

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0483.01 Josh Schultz x5486

HOUSE BILL 24-1002

HOUSE SPONSORSHIP

Sirota and Martinez,

SENATE SPONSORSHIP

Marchman and Rich,

House Committees

Health & Human Services
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ENACTMENT OF THE "SOCIAL WORK LICENSURE**
102 **COMPACT".**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill enacts the "Social Work Licensure Compact" (compact).
The compact is designed to:

- Eliminate the necessity for social workers to obtain licenses from multiple states by providing for the mutual recognition of licenses from other states that have signed the compact (member states);

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

1 COMPETENT SOCIAL WORK SERVICES. THIS COMPACT PRESERVES THE
2 REGULATORY AUTHORITY OF STATES TO PROTECT PUBLIC HEALTH AND
3 SAFETY THROUGH THE CURRENT SYSTEM OF STATE LICENSURE.

4 THIS COMPACT IS DESIGNED TO ACHIEVE THE FOLLOWING OBJECTIVES:

- 5 A. INCREASE PUBLIC ACCESS TO SOCIAL WORK SERVICES;
- 6 B. REDUCE OVERLY BURDENSOME AND DUPLICATIVE REQUIREMENTS
7 ASSOCIATED WITH HOLDING MULTIPLE LICENSES;
- 8 C. ENHANCE THE MEMBER STATES' ABILITY TO PROTECT THE PUBLIC'S
9 HEALTH AND SAFETY;
- 10 D. ENCOURAGE THE COOPERATION OF MEMBER STATES IN
11 REGULATING MULTISTATE PRACTICE;
- 12 E. PROMOTE MOBILITY AND ADDRESS WORKFORCE SHORTAGES BY
13 ELIMINATING THE NECESSITY FOR LICENSES IN MULTIPLE STATES
14 BY PROVIDING FOR THE MUTUAL RECOGNITION OF OTHER MEMBER
15 STATE LICENSES;
- 16 F. SUPPORT MILITARY FAMILIES;
- 17 G. FACILITATE THE EXCHANGE OF LICENSURE AND DISCIPLINARY
18 INFORMATION AMONG MEMBER STATES;
- 19 H. AUTHORIZE ALL MEMBER STATES TO HOLD A REGULATED SOCIAL
20 WORKER ACCOUNTABLE FOR ABIDING BY A MEMBER STATE'S
21 LAWS, REGULATIONS, AND APPLICABLE PROFESSIONAL STANDARDS
22 IN THE MEMBER STATE IN WHICH THE CLIENT IS LOCATED AT THE
23 TIME CARE IS RENDERED; AND
- 24 I. ALLOW FOR THE USE OF TELEHEALTH TO FACILITATE INCREASED
25 ACCESS TO REGULATED SOCIAL WORK SERVICES.

26 **SECTION 2. DEFINITIONS**

27 AS USED IN THIS COMPACT, AND EXCEPT AS OTHERWISE PROVIDED, THE

1 FOLLOWING DEFINITIONS SHALL APPLY:

2 A. "ACTIVE MILITARY MEMBER" MEANS ANY INDIVIDUAL WITH
3 FULL-TIME DUTY STATUS IN THE ACTIVE ARMED FORCES OF THE
4 UNITED STATES INCLUDING MEMBERS OF THE NATIONAL GUARD
5 AND RESERVE.

6 B. "ADVERSE ACTION" MEANS ANY ADMINISTRATIVE, CIVIL,
7 EQUITABLE, OR CRIMINAL ACTION PERMITTED BY A STATE'S LAWS
8 WHICH IS IMPOSED BY A LICENSING AUTHORITY OR OTHER
9 AUTHORITY AGAINST A REGULATED SOCIAL WORKER, INCLUDING
10 ACTIONS AGAINST AN INDIVIDUAL'S LICENSE OR MULTISTATE
11 AUTHORIZATION TO PRACTICE SUCH AS REVOCATION, SUSPENSION,
12 PROBATION, MONITORING OF THE LICENSEE, LIMITATION ON THE
13 LICENSEE'S PRACTICE, OR ANY OTHER ENCUMBRANCE ON
14 LICENSURE AFFECTING A REGULATED SOCIAL WORKER'S
15 AUTHORIZATION TO PRACTICE, INCLUDING ISSUANCE OF A
16 CEASE-AND-DESIST ACTION.

17 C. "ALTERNATIVE PROGRAM" MEANS A NON-DISCIPLINARY
18 MONITORING OR PRACTICE REMEDIATION PROCESS APPROVED BY A
19 LICENSING AUTHORITY TO ADDRESS PRACTITIONERS WITH AN
20 IMPAIRMENT.

21 D. "CHARTER MEMBER STATES" MEANS MEMBER STATES WHO HAVE
22 ENACTED LEGISLATION TO ADOPT THIS COMPACT WHERE SUCH
23 LEGISLATION PREDATES THE EFFECTIVE DATE OF THIS COMPACT AS
24 DESCRIBED IN SECTION 14 OF THIS COMPACT.

25 E. "COMPACT COMMISSION" OR "COMMISSION" MEANS THE
26 GOVERNMENT AGENCY WHOSE MEMBERSHIP CONSISTS OF ALL
27 STATES THAT HAVE ENACTED THIS COMPACT, WHICH IS KNOWN AS

1 THE SOCIAL WORK LICENSURE COMPACT COMMISSION, AS
2 DESCRIBED IN SECTION 10 OF THIS COMPACT, AND WHICH SHALL
3 OPERATE AS AN INSTRUMENTALITY OF THE MEMBER STATES.

4 F. "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS:

5 1. INVESTIGATIVE INFORMATION THAT A LICENSING
6 AUTHORITY, AFTER A PRELIMINARY INQUIRY THAT
7 INCLUDES NOTIFICATION AND AN OPPORTUNITY FOR THE
8 REGULATED SOCIAL WORKER TO RESPOND, HAS REASON TO
9 BELIEVE IS NOT GROUNDLESS AND, IF PROVED TRUE, WOULD
10 INDICATE MORE THAN A MINOR INFRACTION AS MAY BE
11 DEFINED BY THE COMMISSION; OR

12 2. INVESTIGATIVE INFORMATION THAT INDICATES THAT THE
13 REGULATED SOCIAL WORKER REPRESENTS AN IMMEDIATE
14 THREAT TO PUBLIC HEALTH AND SAFETY, AS MAY BE
15 DEFINED BY THE COMMISSION, REGARDLESS OF WHETHER
16 THE REGULATED SOCIAL WORKER HAS BEEN NOTIFIED AND
17 HAS HAD AN OPPORTUNITY TO RESPOND.

18 G. "DATA SYSTEM" MEANS A REPOSITORY OF INFORMATION ABOUT
19 LICENSEES, INCLUDING CURRENT SIGNIFICANT INVESTIGATIVE
20 INFORMATION; CONTINUING EDUCATION, EXAMINATION,
21 LICENSURE, DISQUALIFYING EVENT, MULTISTATE LICENSE(S) AND
22 ADVERSE ACTION INFORMATION; OR OTHER INFORMATION AS
23 REQUIRED BY THE COMMISSION.

24 H. "DISQUALIFYING EVENT" MEANS ANY ADVERSE ACTION OR
25 INCIDENT WHICH RESULTS IN AN ENCUMBRANCE THAT
26 DISQUALIFIES OR MAKES THE LICENSEE INELIGIBLE TO EITHER
27 OBTAIN, RETAIN, OR RENEW A MULTISTATE LICENSE.

- 1 I. "DOMICILE" MEANS THE JURISDICTION IN WHICH THE LICENSEE
2 RESIDES AND INTENDS TO REMAIN INDEFINITELY.
- 3 J. "ENCUMBRANCE" MEANS A REVOCATION OR SUSPENSION OF, OR
4 ANY LIMITATION ON, THE FULL AND UNRESTRICTED PRACTICE OF
5 SOCIAL WORK LICENSED AND REGULATED BY A LICENSING
6 AUTHORITY.
- 7 K. "EXECUTIVE COMMITTEE" MEANS A GROUP OF DELEGATES
8 ELECTED OR APPOINTED TO ACT ON BEHALF OF, AND WITHIN THE
9 POWERS GRANTED TO THEM BY, THE COMPACT AND COMMISSION.
- 10 L. "HOME STATE" MEANS THE MEMBER STATE THAT IS THE
11 LICENSEE'S PRIMARY DOMICILE.
- 12 M. "IMPAIRMENT" MEANS A CONDITION(S) THAT MAY IMPAIR A
13 PRACTITIONER'S ABILITY TO ENGAGE IN FULL AND UNRESTRICTED
14 PRACTICE AS A REGULATED SOCIAL WORKER WITHOUT SOME TYPE
15 OF INTERVENTION AND MAY INCLUDE ALCOHOL AND DRUG
16 DEPENDENCE, MENTAL HEALTH IMPAIRMENT, AND NEUROLOGICAL
17 OR PHYSICAL IMPAIRMENTS.
- 18 N. "LICENSEE(S)" MEANS AN INDIVIDUAL WHO CURRENTLY HOLDS A
19 LICENSE FROM A STATE TO PRACTICE AS A REGULATED SOCIAL
20 WORKER.
- 21 O. "LICENSING AUTHORITY" MEANS THE BOARD OR AGENCY OF A
22 MEMBER STATE, OR EQUIVALENT, THAT IS RESPONSIBLE FOR THE
23 LICENSING AND REGULATION OF REGULATED SOCIAL WORKERS.
- 24 P. "MEMBER STATE" MEANS A STATE, COMMONWEALTH, DISTRICT, OR
25 TERRITORY OF THE UNITED STATES OF AMERICA THAT HAS
26 ENACTED THIS COMPACT.
- 27 Q. "MULTISTATE AUTHORIZATION TO PRACTICE" MEANS A LEGALLY

1 AUTHORIZED PRIVILEGE TO PRACTICE, WHICH IS EQUIVALENT TO A
2 LICENSE, ASSOCIATED WITH A MULTISTATE LICENSE PERMITTING
3 THE PRACTICE OF SOCIAL WORK IN A REMOTE STATE.

4 R. "MULTISTATE LICENSE" MEANS A LICENSE TO PRACTICE AS A
5 REGULATED SOCIAL WORKER ISSUED BY A HOME STATE
6 LICENSING AUTHORITY THAT AUTHORIZES THE REGULATED
7 SOCIAL WORKER TO PRACTICE IN ALL MEMBER STATES UNDER A
8 MULTISTATE AUTHORIZATION TO PRACTICE.

9 S. "QUALIFYING NATIONAL EXAM" MEANS A NATIONAL LICENSING
10 EXAMINATION APPROVED BY THE COMMISSION.

11 T. "REGULATED SOCIAL WORKER" MEANS ANY CLINICAL, MASTERS
12 OR BACHELORS SOCIAL WORKER LICENSED BY A MEMBER STATE
13 REGARDLESS OF THE TITLE USED BY THAT MEMBER STATE.

14 U. "REMOTE STATE" MEANS A MEMBER STATE OTHER THAN THE
15 LICENSEE'S HOME STATE.

16 V. "RULE(S)" OR "RULE(S) OF THE COMMISSION" MEANS A
17 REGULATION OR REGULATIONS DULY PROMULGATED BY THE
18 COMMISSION, AS AUTHORIZED BY THE COMPACT, THAT HAVE THE
19 FORCE OF LAW.

20 W. "SINGLE STATE LICENSE" MEANS A SOCIAL WORK LICENSE ISSUED
21 BY ANY STATE THAT AUTHORIZES PRACTICE ONLY WITHIN THE
22 ISSUING STATE AND DOES NOT INCLUDE MULTISTATE
23 AUTHORIZATION TO PRACTICE IN ANY MEMBER STATE.

24 X. "SOCIAL WORK" OR "SOCIAL WORK SERVICES" MEANS THE
25 APPLICATION OF SOCIAL WORK THEORY, KNOWLEDGE, METHODS,
26 ETHICS, AND THE PROFESSIONAL USE OF SELF TO RESTORE OR
27 ENHANCE SOCIAL, PSYCHOSOCIAL, OR BIOPSYCHOSOCIAL

1 FUNCTIONING OF INDIVIDUALS, COUPLES, FAMILIES, GROUPS,
2 ORGANIZATIONS, AND COMMUNITIES THROUGH THE CARE AND
3 SERVICES PROVIDED BY A REGULATED SOCIAL WORKER AS SET
4 FORTH IN THE MEMBER STATE'S STATUTES AND REGULATIONS IN
5 THE STATE WHERE THE SERVICES ARE BEING PROVIDED.

6 Y. "STATE" MEANS ANY STATE, COMMONWEALTH, DISTRICT, OR
7 TERRITORY OF THE UNITED STATES OF AMERICA THAT REGULATES
8 THE PRACTICE OF SOCIAL WORK.

9 Z. "UNENCUMBERED LICENSE" MEANS A LICENSE THAT AUTHORIZES
10 A REGULATED SOCIAL WORKER TO ENGAGE IN THE FULL AND
11 UNRESTRICTED PRACTICE OF SOCIAL WORK.

12 **SECTION 3. STATE PARTICIPATION IN THE COMPACT**

13 A. TO BE ELIGIBLE TO PARTICIPATE IN THE COMPACT, A POTENTIAL
14 MEMBER STATE MUST CURRENTLY MEET ALL OF THE FOLLOWING
15 CRITERIA:

16 1. LICENSE AND REGULATE THE PRACTICE OF SOCIAL WORK
17 AT EITHER THE CLINICAL, MASTERS, OR BACHELORS
18 CATEGORY;

19 2. REQUIRE APPLICANTS FOR LICENSURE TO GRADUATE FROM
20 A PROGRAM THAT:

21 a. IS OPERATED BY A COLLEGE OR UNIVERSITY
22 RECOGNIZED BY THE LICENSING AUTHORITY;

23 b. IS ACCREDITED, OR IN CANDIDACY BY AN
24 INSTITUTION THAT SUBSEQUENTLY BECOMES
25 ACCREDITED, BY AN ACCREDITING AGENCY
26 RECOGNIZED BY EITHER:

27 i. THE COUNCIL FOR HIGHER EDUCATION

- 1 ACCREDITATION, OR ITS SUCCESSOR; OR
- 2 ii. THE UNITED STATES DEPARTMENT OF
- 3 EDUCATION; AND
- 4 c. CORRESPONDS TO THE LICENSURE SOUGHT AS
- 5 OUTLINED IN SECTION 4 OF THIS COMPACT;
- 6 3. REQUIRE APPLICANTS FOR CLINICAL LICENSURE TO
- 7 COMPLETE A PERIOD OF SUPERVISED PRACTICE;
- 8 4. HAVE A MECHANISM IN PLACE FOR RECEIVING,
- 9 INVESTIGATING, AND ADJUDICATING COMPLAINTS ABOUT
- 10 LICENSEES.
- 11 B. TO MAINTAIN MEMBERSHIP IN THIS COMPACT A MEMBER STATE
- 12 SHALL:
- 13 1. REQUIRE THAT APPLICANTS FOR A MULTISTATE LICENSE
- 14 PASS A QUALIFYING NATIONAL EXAM FOR THE
- 15 CORRESPONDING CATEGORY OF MULTISTATE LICENSE
- 16 SOUGHT AS OUTLINED IN SECTION 4 OF THIS COMPACT;
- 17 2. PARTICIPATE FULLY IN THE COMMISSION'S DATA SYSTEM,
- 18 INCLUDING USING THE COMMISSION'S UNIQUE IDENTIFIER AS
- 19 DEFINED IN RULES;
- 20 3. NOTIFY THE COMMISSION, IN COMPLIANCE WITH THE TERMS
- 21 OF THIS COMPACT AND RULES, OF ANY ADVERSE ACTION
- 22 OR THE AVAILABILITY OF CURRENT SIGNIFICANT
- 23 INVESTIGATIVE INFORMATION REGARDING A LICENSEE;
- 24 4. IMPLEMENT PROCEDURES FOR CONSIDERING THE CRIMINAL
- 25 HISTORY RECORDS OF APPLICANTS FOR A MULTISTATE
- 26 LICENSE. SUCH PROCEDURES SHALL INCLUDE THE
- 27 SUBMISSION OF FINGERPRINTS OR OTHER BIOMETRIC-BASED

1 INFORMATION BY APPLICANTS FOR THE PURPOSE OF
2 OBTAINING AN APPLICANT'S CRIMINAL HISTORY RECORD
3 INFORMATION FROM THE FEDERAL BUREAU OF
4 INVESTIGATION AND THE AGENCY RESPONSIBLE FOR
5 RETAINING THAT STATE'S CRIMINAL RECORDS.

- 6 5. COMPLY WITH THE RULES OF THE COMMISSION;
- 7 6. REQUIRE AN APPLICANT TO OBTAIN OR RETAIN A LICENSE IN
8 THE HOME STATE AND MEET THE HOME STATE'S
9 QUALIFICATIONS FOR LICENSURE OR RENEWAL OF
10 LICENSURE, AS WELL AS ALL OTHER APPLICABLE HOME
11 STATE LAWS;
- 12 7. AUTHORIZE A LICENSEE HOLDING A MULTISTATE LICENSE
13 IN ANY MEMBER STATE TO PRACTICE IN ACCORDANCE WITH
14 THE TERMS OF THIS COMPACT AND RULES OF THE
15 COMMISSION; AND
- 16 8. DESIGNATE A DELEGATE TO PARTICIPATE IN THE
17 COMMISSION MEETINGS.

18 C. A MEMBER STATE MEETING THE REQUIREMENTS OF SECTION 3.A.
19 AND 3.B. OF THIS COMPACT SHALL DESIGNATE THE CATEGORIES OF
20 SOCIAL WORK LICENSURE THAT ARE ELIGIBLE FOR ISSUANCE OF A
21 MULTISTATE LICENSE FOR APPLICANTS IN SUCH MEMBER STATE.
22 TO THE EXTENT THAT ANY MEMBER STATE DOES NOT MEET THE
23 REQUIREMENTS FOR PARTICIPATION IN THIS COMPACT AT ANY
24 PARTICULAR CATEGORY OF SOCIAL WORK LICENSURE, SUCH
25 MEMBER STATE MAY CHOOSE, BUT IS NOT OBLIGATED, TO ISSUE A
26 MULTISTATE LICENSE TO APPLICANTS THAT OTHERWISE MEET THE
27 REQUIREMENTS OF SECTION 4 OF THIS COMPACT FOR ISSUANCE OF

1 A MULTISTATE LICENSE IN SUCH CATEGORY OR CATEGORIES OF
2 LICENSURE.

3 D. THE HOME STATE MAY CHARGE A FEE FOR GRANTING THE
4 MULTISTATE LICENSE.

5 **SECTION 4. SOCIAL WORKER PARTICIPATION**
6 **IN THE COMPACT**

7 A. TO BE ELIGIBLE FOR A MULTISTATE LICENSE UNDER THE TERMS
8 AND PROVISIONS OF THIS COMPACT, AN APPLICANT, REGARDLESS
9 OF CATEGORY, MUST:

- 10 1. HOLD OR BE ELIGIBLE FOR AN ACTIVE, UNENCUMBERED
11 LICENSE IN THE HOME STATE;
- 12 2. PAY ANY APPLICABLE FEES, INCLUDING ANY STATE FEE, FOR
13 THE MULTISTATE LICENSE;
- 14 3. SUBMIT, IN CONNECTION WITH AN APPLICATION FOR A
15 MULTISTATE LICENSE, FINGERPRINTS OR OTHER BIOMETRIC
16 DATA FOR THE PURPOSE OF OBTAINING CRIMINAL HISTORY
17 RECORD INFORMATION FROM THE FEDERAL BUREAU OF
18 INVESTIGATION AND THE AGENCY RESPONSIBLE FOR
19 RETAINING THAT STATE'S CRIMINAL RECORDS;
- 20 4. NOTIFY THE HOME STATE OF ANY ADVERSE ACTION,
21 ENCUMBRANCE, OR RESTRICTION ON ANY PROFESSIONAL
22 LICENSE TAKEN BY ANY MEMBER STATE OR NON-MEMBER
23 STATE WITHIN THIRTY (30) DAYS FROM THE DATE THE
24 ACTION IS TAKEN;
- 25 5. MEET ANY CONTINUING COMPETENCE REQUIREMENTS
26 ESTABLISHED BY THE HOME STATE;
- 27 6. ABIDE BY THE LAWS, REGULATIONS, AND APPLICABLE

1 STANDARDS IN THE MEMBER STATE WHERE THE CLIENT IS
2 LOCATED AT THE TIME CARE IS RENDERED.

3 B. AN APPLICANT FOR A CLINICAL-CATEGORY MULTISTATE LICENSE
4 MUST MEET ALL OF THE FOLLOWING REQUIREMENTS:

5 1. FULFILL A COMPETENCY REQUIREMENT, WHICH SHALL BE
6 SATISFIED BY EITHER:

7 a. PASSAGE OF A CLINICAL-CATEGORY QUALIFYING
8 NATIONAL EXAM; OR

9 b. LICENSURE OF THE APPLICANT IN THEIR HOME
10 STATE AT THE CLINICAL CATEGORY, BEGINNING
11 PRIOR TO SUCH TIME AS A QUALIFYING NATIONAL
12 EXAM WAS REQUIRED BY THE HOME STATE AND
13 ACCOMPANIED BY A PERIOD OF CONTINUOUS SOCIAL
14 WORK LICENSURE THEREAFTER, ALL OF WHICH MAY
15 BE FURTHER GOVERNED BY THE RULES OF THE
16 COMMISSION; OR

17 c. THE SUBSTANTIAL EQUIVALENCY OF THE FOREGOING
18 COMPETENCY REQUIREMENTS WHICH THE
19 COMMISSION MAY DETERMINE BY RULE;

20 2. ATTAIN AT LEAST A MASTERS DEGREE IN SOCIAL WORK
21 FROM A PROGRAM THAT IS:

22 a. OPERATED BY A COLLEGE OR UNIVERSITY
23 RECOGNIZED BY THE LICENSING AUTHORITY; AND

24 b. ACCREDITED, OR IN CANDIDACY THAT
25 SUBSEQUENTLY BECOMES ACCREDITED, BY AN
26 ACCREDITING AGENCY RECOGNIZED BY EITHER:

27 i. THE COUNCIL FOR HIGHER EDUCATION

- 1 ACCREDITATION OR ITS SUCCESSOR; OR
- 2 ii. THE UNITED STATES DEPARTMENT OF
- 3 EDUCATION;
- 4 3. FULFILL A PRACTICE REQUIREMENT, WHICH SHALL BE
- 5 SATISFIED BY DEMONSTRATING COMPLETION OF EITHER:
- 6 a. A PERIOD OF POSTGRADUATE SUPERVISED CLINICAL
- 7 PRACTICE EQUAL TO A MINIMUM OF THREE
- 8 THOUSAND HOURS; OR
- 9 b. A MINIMUM OF TWO YEARS OF FULL-TIME
- 10 POSTGRADUATE SUPERVISED CLINICAL PRACTICE; OR
- 11 c. THE SUBSTANTIAL EQUIVALENCY OF THE FOREGOING
- 12 PRACTICE REQUIREMENTS WHICH THE COMMISSION
- 13 MAY DETERMINE BY RULE.
- 14 C. AN APPLICANT FOR A MASTERS-CATEGORY MULTISTATE LICENSE
- 15 MUST MEET ALL OF THE FOLLOWING REQUIREMENTS:
- 16 1. FULFILL A COMPETENCY REQUIREMENT, WHICH SHALL BE
- 17 SATISFIED BY EITHER:
- 18 a. PASSAGE OF A MASTERS-CATEGORY QUALIFYING
- 19 NATIONAL EXAM;
- 20 b. LICENSURE OF THE APPLICANT IN THEIR HOME
- 21 STATE AT THE MASTERS CATEGORY, BEGINNING
- 22 PRIOR TO SUCH TIME AS A QUALIFYING NATIONAL
- 23 EXAM WAS REQUIRED BY THE HOME STATE AT THE
- 24 MASTERS-CATEGORY AND ACCOMPANIED BY A
- 25 CONTINUOUS PERIOD OF SOCIAL WORK LICENSURE
- 26 THEREAFTER, ALL OF WHICH MAY BE FURTHER
- 27 GOVERNED BY THE RULES OF THE COMMISSION; OR

- 1 c. THE SUBSTANTIAL EQUIVALENCY OF THE FOREGOING
2 COMPETENCY REQUIREMENTS WHICH THE
3 COMMISSION MAY DETERMINE BY RULE;
- 4 2. ATTAIN AT LEAST A MASTERS DEGREE IN SOCIAL WORK
5 FROM A PROGRAM THAT IS:
- 6 a. OPERATED BY A COLLEGE OR UNIVERSITY
7 RECOGNIZED BY THE LICENSING AUTHORITY; AND
- 8 b. ACCREDITED, OR IN CANDIDACY THAT
9 SUBSEQUENTLY BECOMES ACCREDITED, BY AN
10 ACCREDITING AGENCY RECOGNIZED BY EITHER:
- 11 i. THE COUNCIL FOR HIGHER EDUCATION
12 ACCREDITATION OR ITS SUCCESSOR; OR
- 13 ii. THE UNITED STATES DEPARTMENT OF
14 EDUCATION.
- 15 D. AN APPLICANT FOR A BACHELORS-CATEGORY MULTISTATE
16 LICENSE MUST MEET ALL OF THE FOLLOWING REQUIREMENTS:
- 17 1. FULFILL A COMPETENCY REQUIREMENT, WHICH SHALL BE
18 SATISFIED BY EITHER:
- 19 a. PASSAGE OF A BACHELORS-CATEGORY QUALIFYING
20 NATIONAL EXAM;
- 21 b. LICENSURE OF THE APPLICANT IN THEIR HOME
22 STATE AT THE BACHELORS-CATEGORY, BEGINNING
23 PRIOR TO SUCH TIME AS A QUALIFYING NATIONAL
24 EXAM WAS REQUIRED BY THE HOME STATE AND
25 ACCOMPANIED BY A PERIOD OF CONTINUOUS SOCIAL
26 WORK LICENSURE THEREAFTER, ALL OF WHICH MAY
27 BE FURTHER GOVERNED BY THE RULES OF THE

- 1 COMMISSION; OR
- 2 c. THE SUBSTANTIAL EQUIVALENCY OF THE FOREGOING
- 3 COMPETENCY REQUIREMENTS WHICH THE
- 4 COMMISSION MAY DETERMINE BY RULE;
- 5 2. ATTAIN AT LEAST A BACHELORS DEGREE IN SOCIAL WORK
- 6 FROM A PROGRAM THAT IS:
- 7 a. OPERATED BY A COLLEGE OR UNIVERSITY
- 8 RECOGNIZED BY THE LICENSING AUTHORITY; AND
- 9 b. ACCREDITED, OR IN CANDIDACY THAT
- 10 SUBSEQUENTLY BECOMES ACCREDITED, BY AN
- 11 ACCREDITING AGENCY RECOGNIZED BY EITHER:
- 12 i. THE COUNCIL FOR HIGHER EDUCATION
- 13 ACCREDITATION OR ITS SUCCESSOR; OR
- 14 ii. THE UNITED STATES DEPARTMENT OF
- 15 EDUCATION.
- 16 E. THE MULTISTATE LICENSE FOR A REGULATED SOCIAL WORKER IS
- 17 SUBJECT TO THE RENEWAL REQUIREMENTS OF THE HOME STATE.
- 18 THE REGULATED SOCIAL WORKER MUST MAINTAIN COMPLIANCE
- 19 WITH THE REQUIREMENTS OF SECTION 4.A. OF THIS COMPACT TO
- 20 BE ELIGIBLE TO RENEW A MULTISTATE LICENSE.
- 21 F. THE REGULATED SOCIAL WORKER'S SERVICES IN A REMOTE STATE
- 22 ARE SUBJECT TO THAT MEMBER STATE'S REGULATORY AUTHORITY.
- 23 A REMOTE STATE MAY, IN ACCORDANCE WITH DUE PROCESS AND
- 24 THAT MEMBER STATE'S LAWS, REMOVE A REGULATED SOCIAL
- 25 WORKER'S MULTISTATE AUTHORIZATION TO PRACTICE IN THE
- 26 REMOTE STATE FOR A SPECIFIC PERIOD OF TIME, IMPOSE FINES, AND
- 27 TAKE ANY OTHER NECESSARY ACTIONS TO PROTECT THE HEALTH

1 AND SAFETY OF ITS CITIZENS.

2 G. IF A MULTISTATE LICENSE IS ENCUMBERED, THE REGULATED
3 SOCIAL WORKER'S MULTISTATE AUTHORIZATION TO PRACTICE
4 SHALL BE DEACTIVATED IN ALL REMOTE STATES UNTIL THE
5 MULTISTATE LICENSE IS NO LONGER ENCUMBERED.

6 H. IF A MULTISTATE AUTHORIZATION TO PRACTICE IS ENCUMBERED
7 IN A REMOTE STATE, THE REGULATED SOCIAL WORKER'S
8 MULTISTATE AUTHORIZATION TO PRACTICE MAY BE DEACTIVATED
9 IN THAT STATE UNTIL THE MULTISTATE AUTHORIZATION TO
10 PRACTICE IS NO LONGER ENCUMBERED.

11 **SECTION 5. ISSUANCE OF A MULTISTATE LICENSE**

12 A. UPON RECEIPT OF AN APPLICATION FOR A MULTISTATE LICENSE,
13 THE HOME STATE LICENSING AUTHORITY SHALL DETERMINE THE
14 APPLICANT'S ELIGIBILITY FOR A MULTISTATE LICENSE IN
15 ACCORDANCE WITH SECTION 4 OF THIS COMPACT.

16 B. IF SUCH APPLICANT IS ELIGIBLE PURSUANT TO SECTION 4 OF THIS
17 COMPACT, THE HOME STATE LICENSING AUTHORITY SHALL ISSUE
18 A MULTISTATE LICENSE THAT AUTHORIZES THE APPLICANT OR
19 REGULATED SOCIAL WORKER TO PRACTICE IN ALL MEMBER
20 STATES UNDER A MULTISTATE AUTHORIZATION TO PRACTICE.

21 C. UPON ISSUANCE OF A MULTISTATE LICENSE, THE HOME STATE
22 LICENSING AUTHORITY SHALL DESIGNATE WHETHER THE
23 REGULATED SOCIAL WORKER HOLDS A MULTISTATE LICENSE IN
24 THE BACHELORS-, MASTERS-, OR CLINICAL-CATEGORY OF SOCIAL
25 WORK.

26 D. A MULTISTATE LICENSE ISSUED BY A HOME STATE TO A RESIDENT
27 IN THAT STATE SHALL BE RECOGNIZED BY ALL COMPACT MEMBER

1 STATES AS AUTHORIZING SOCIAL WORK PRACTICE UNDER A
2 MULTISTATE AUTHORIZATION TO PRACTICE CORRESPONDING TO
3 EACH CATEGORY OF LICENSURE REGULATED IN EACH MEMBER
4 STATE.

5 **SECTION 6. AUTHORITY OF INTERSTATE**
6 **COMPACT COMMISSION AND**
7 **MEMBER STATE LICENSING AUTHORITIES**

- 8 A. NOTHING IN THIS COMPACT, NOR ANY RULE OF THE COMMISSION,
9 SHALL BE CONSTRUED TO LIMIT, RESTRICT, OR IN ANY WAY REDUCE
10 THE ABILITY OF A MEMBER STATE TO ENACT AND ENFORCE LAWS,
11 REGULATIONS, OR OTHER RULES RELATED TO THE PRACTICE OF
12 SOCIAL WORK IN THAT STATE, WHERE THOSE LAWS, REGULATIONS,
13 OR OTHER RULES ARE NOT INCONSISTENT WITH THE PROVISIONS OF
14 THIS COMPACT.
- 15 B. NOTHING IN THIS COMPACT SHALL AFFECT THE REQUIREMENTS
16 ESTABLISHED BY A MEMBER STATE FOR THE ISSUANCE OF A SINGLE
17 STATE LICENSE.
- 18 C. NOTHING IN THIS COMPACT, NOR ANY RULE OF THE COMMISSION,
19 SHALL BE CONSTRUED TO LIMIT, RESTRICT, OR IN ANY WAY REDUCE
20 THE ABILITY OF A MEMBER STATE TO TAKE ADVERSE ACTION
21 AGAINST A LICENSEE'S SINGLE STATE LICENSE TO PRACTICE
22 SOCIAL WORK IN THAT STATE.
- 23 D. NOTHING IN THIS COMPACT, NOR ANY RULE OF THE COMMISSION,
24 SHALL BE CONSTRUED TO LIMIT, RESTRICT, OR IN ANY WAY REDUCE
25 THE ABILITY OF A REMOTE STATE TO TAKE ADVERSE ACTION
26 AGAINST A LICENSEE'S MULTISTATE AUTHORIZATION TO PRACTICE
27 IN THAT STATE.

1 E. NOTHING IN THIS COMPACT, NOR ANY RULE OF THE COMMISSION,
2 SHALL BE CONSTRUED TO LIMIT, RESTRICT, OR IN ANY WAY REDUCE
3 THE ABILITY OF A LICENSEE'S HOME STATE TO TAKE ADVERSE
4 ACTION AGAINST A LICENSEE'S MULTISTATE LICENSE BASED UPON
5 INFORMATION PROVIDED BY A REMOTE STATE.

6 **SECTION 7. REISSUANCE OF A MULTISTATE LICENSE**
7 **BY A NEW HOME STATE**

8 A. A LICENSEE CAN HOLD A MULTISTATE LICENSE, ISSUED BY THEIR
9 HOME STATE, IN ONLY ONE MEMBER STATE AT ANY GIVEN TIME.

10 B. IF A LICENSEE CHANGES THEIR HOME STATE BY MOVING BETWEEN
11 TWO MEMBER STATES:

12 1. THE LICENSEE SHALL IMMEDIATELY APPLY FOR THE
13 REISSUANCE OF THEIR MULTISTATE LICENSE IN THEIR NEW
14 HOME STATE. THE LICENSEE SHALL PAY ALL APPLICABLE
15 FEES AND NOTIFY THE PRIOR HOME STATE IN ACCORDANCE
16 WITH THE RULES OF THE COMMISSION.

17 2. UPON RECEIPT OF AN APPLICATION TO REISSUE A
18 MULTISTATE LICENSE, THE NEW HOME STATE SHALL
19 VERIFY THAT THE MULTISTATE LICENSE IS ACTIVE,
20 UNENCUMBERED, AND ELIGIBLE FOR REISSUANCE UNDER
21 THE TERMS OF THIS COMPACT AND THE RULES OF THE
22 COMMISSION. THE MULTISTATE LICENSE ISSUED BY THE
23 PRIOR HOME STATE WILL BE DEACTIVATED AND ALL
24 MEMBER STATES NOTIFIED IN ACCORDANCE WITH THE
25 APPLICABLE RULES ADOPTED BY THE COMMISSION.

26 3. PRIOR TO THE REISSUANCE OF THE MULTISTATE LICENSE,
27 THE NEW HOME STATE SHALL CONDUCT PROCEDURES FOR

1 CONSIDERING THE CRIMINAL HISTORY RECORDS OF THE
2 LICENSEE. SUCH PROCEDURES SHALL INCLUDE THE
3 SUBMISSION OF FINGERPRINTS OR OTHER BIOMETRIC-BASED
4 INFORMATION BY APPLICANTS FOR THE PURPOSE OF
5 OBTAINING AN APPLICANT'S CRIMINAL HISTORY RECORD
6 INFORMATION FROM THE FEDERAL BUREAU OF
7 INVESTIGATION AND THE AGENCY RESPONSIBLE FOR
8 RETAINING THAT STATE'S CRIMINAL RECORDS.

9 4. IF REQUIRED FOR INITIAL LICENSURE, THE NEW HOME STATE
10 MAY REQUIRE COMPLETION OF JURISPRUDENCE
11 REQUIREMENTS IN THE NEW HOME STATE.

12 5. NOTWITHSTANDING ANY OTHER PROVISION OF THIS
13 COMPACT, IF A LICENSEE DOES NOT MEET THE
14 REQUIREMENTS SET FORTH IN THIS COMPACT FOR THE
15 REISSUANCE OF A MULTISTATE LICENSE BY THE NEW HOME
16 STATE, THEN THE LICENSEE SHALL BE SUBJECT TO THE NEW
17 HOME STATE REQUIREMENTS FOR THE ISSUANCE OF A
18 SINGLE STATE LICENSE IN THAT STATE.

19 C. IF A LICENSEE CHANGES THEIR PRIMARY STATE OF RESIDENCE BY
20 MOVING FROM A MEMBER STATE TO A NON-MEMBER STATE, OR
21 FROM A NON-MEMBER STATE TO A MEMBER STATE, THEN THE
22 LICENSEE SHALL BE SUBJECT TO THE STATE REQUIREMENTS FOR
23 THE ISSUANCE OF A SINGLE STATE LICENSE IN THE NEW HOME
24 STATE.

25 D. NOTHING IN THIS COMPACT SHALL INTERFERE WITH A LICENSEE'S
26 ABILITY TO HOLD A SINGLE STATE LICENSE IN MULTIPLE STATES;
27 HOWEVER, FOR THE PURPOSES OF THIS COMPACT, A LICENSEE

1 THE ISSUING LICENSING AUTHORITY SHALL PAY ANY
2 WITNESS FEES, TRAVEL EXPENSES, MILEAGE, AND OTHER
3 FEES REQUIRED BY THE SERVICE STATUTES OF THE STATE IN
4 WHICH THE WITNESSES OR EVIDENCE ARE LOCATED.

5 2. ONLY THE HOME STATE SHALL HAVE THE POWER TO TAKE
6 ADVERSE ACTION AGAINST A REGULATED SOCIAL
7 WORKER'S MULTISTATE LICENSE.

8 B. FOR PURPOSES OF TAKING ADVERSE ACTION, THE HOME STATE
9 SHALL GIVE THE SAME PRIORITY AND EFFECT TO REPORTED
10 CONDUCT RECEIVED FROM A MEMBER STATE AS IT WOULD IF THE
11 CONDUCT HAD OCCURRED WITHIN THE HOME STATE. IN SO DOING,
12 THE HOME STATE SHALL APPLY ITS OWN STATE LAWS TO
13 DETERMINE APPROPRIATE ACTION.

14 C. THE HOME STATE SHALL COMPLETE ANY PENDING INVESTIGATIONS
15 OF A REGULATED SOCIAL WORKER WHO CHANGES THEIR HOME
16 STATE DURING THE COURSE OF THE INVESTIGATIONS. THE HOME
17 STATE SHALL ALSO HAVE THE AUTHORITY TO TAKE APPROPRIATE
18 ACTION(S) AND SHALL PROMPTLY REPORT THE CONCLUSIONS OF
19 THE INVESTIGATIONS TO THE ADMINISTRATOR OF THE DATA
20 SYSTEM. THE ADMINISTRATOR OF THE DATA SYSTEM SHALL
21 PROMPTLY NOTIFY THE NEW HOME STATE OF ANY ADVERSE
22 ACTIONS.

23 D. A MEMBER STATE, IF OTHERWISE PERMITTED BY STATE LAW, MAY
24 RECOVER FROM THE AFFECTED REGULATED SOCIAL WORKER THE
25 COSTS OF INVESTIGATIONS AND DISPOSITIONS OF CASES RESULTING
26 FROM ANY ADVERSE ACTION TAKEN AGAINST THAT REGULATED
27 SOCIAL WORKER.

1 E. A MEMBER STATE MAY TAKE ADVERSE ACTION BASED ON THE
2 FACTUAL FINDINGS OF ANOTHER MEMBER STATE, PROVIDED THAT
3 THE MEMBER STATE FOLLOWS ITS OWN PROCEDURES FOR TAKING
4 THE ADVERSE ACTION.

5 F. JOINT INVESTIGATIONS:

6 1. IN ADDITION TO THE AUTHORITY GRANTED TO A MEMBER
7 STATE BY ITS RESPECTIVE SOCIAL WORK PRACTICE ACT OR
8 OTHER APPLICABLE STATE LAW, ANY MEMBER STATE MAY
9 PARTICIPATE WITH OTHER MEMBER STATES IN JOINT
10 INVESTIGATIONS OF LICENSEES.

11 2. MEMBER STATES SHALL SHARE ANY INVESTIGATIVE,
12 LITIGATION, OR COMPLIANCE MATERIALS IN FURTHERANCE
13 OF ANY JOINT OR INDIVIDUAL INVESTIGATION INITIATED
14 UNDER THIS COMPACT.

15 G. IF ADVERSE ACTION IS TAKEN BY THE HOME STATE AGAINST THE
16 MULTISTATE LICENSE OF A REGULATED SOCIAL WORKER, THE
17 REGULATED SOCIAL WORKER'S MULTISTATE AUTHORIZATION TO
18 PRACTICE IN ALL OTHER MEMBER STATES SHALL BE DEACTIVATED
19 UNTIL ALL ENCUMBRANCES HAVE BEEN REMOVED FROM THE
20 MULTISTATE LICENSE. ALL HOME STATE DISCIPLINARY ORDERS
21 THAT IMPOSE ADVERSE ACTION AGAINST THE LICENSE OF A
22 REGULATED SOCIAL WORKER SHALL INCLUDE A STATEMENT THAT
23 THE REGULATED SOCIAL WORKER'S MULTISTATE AUTHORIZATION
24 TO PRACTICE IS DEACTIVATED IN ALL MEMBER STATES UNTIL ALL
25 CONDITIONS OF THE DECISION, ORDER, OR AGREEMENT ARE
26 SATISFIED.

27 H. IF A MEMBER STATE TAKES ADVERSE ACTION, IT SHALL PROMPTLY

1 NOTIFY THE ADMINISTRATOR OF THE DATA SYSTEM. THE
2 ADMINISTRATOR OF THE DATA SYSTEM SHALL PROMPTLY NOTIFY
3 THE HOME STATE AND ALL OTHER MEMBER STATES OF ANY
4 ADVERSE ACTIONS BY REMOTE STATES.

5 I. NOTHING IN THIS COMPACT SHALL OVERRIDE A MEMBER STATE'S
6 DECISION THAT PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY
7 BE USED IN LIEU OF ADVERSE ACTION.

8 J. NOTHING IN THIS COMPACT SHALL AUTHORIZE A MEMBER STATE
9 TO DEMAND THE ISSUANCE OF SUBPOENAS FOR ATTENDANCE AND
10 TESTIMONY OF WITNESSES OR THE PRODUCTION OF EVIDENCE FROM
11 ANOTHER MEMBER STATE FOR LAWFUL ACTIONS WITHIN THAT
12 MEMBER STATE.

13 K. NOTHING IN THIS COMPACT SHALL AUTHORIZE A MEMBER STATE
14 TO IMPOSE DISCIPLINE AGAINST A REGULATED SOCIAL WORKER
15 WHO HOLDS A MULTISTATE AUTHORIZATION TO PRACTICE FOR
16 LAWFUL ACTIONS WITHIN ANOTHER MEMBER STATE.

17 **SECTION 10. ESTABLISHMENT OF SOCIAL WORK**

18 **LICENSURE COMPACT COMMISSION**

19 A. THE COMPACT MEMBER STATES HEREBY CREATE AND ESTABLISH
20 A JOINT GOVERNMENT AGENCY WHOSE MEMBERSHIP CONSISTS OF
21 ALL MEMBER STATES THAT HAVE ENACTED THIS COMPACT KNOWN
22 AS THE SOCIAL WORK LICENSURE COMPACT COMMISSION. THE
23 COMMISSION IS AN INSTRUMENTALITY OF THE MEMBER STATES
24 ACTING JOINTLY AND NOT AN INSTRUMENTALITY OF ANY ONE
25 STATE. THE COMMISSION SHALL COME INTO EXISTENCE ON OR
26 AFTER THE EFFECTIVE DATE OF THIS COMPACT AS SET FORTH IN
27 SECTION 14.

- 1 B. MEMBERSHIP, VOTING, AND MEETINGS
- 2 1. EACH MEMBER STATE SHALL HAVE AND BE LIMITED TO ONE
- 3 (1) DELEGATE SELECTED BY THAT MEMBER STATE'S STATE
- 4 LICENSING AUTHORITY.
- 5 2. THE DELEGATE SHALL BE EITHER:
- 6 a. A CURRENT MEMBER OF THE STATE LICENSING
- 7 AUTHORITY AT THE TIME OF APPOINTMENT, WHO IS
- 8 A REGULATED SOCIAL WORKER OR PUBLIC MEMBER
- 9 OF THE STATE LICENSING AUTHORITY; OR
- 10 b. AN ADMINISTRATOR OF THE STATE LICENSING
- 11 AUTHORITY OR THEIR DESIGNEE.
- 12 3. THE COMMISSION SHALL BY RULE OR BYLAW ESTABLISH A
- 13 TERM OF OFFICE FOR DELEGATES AND MAY BY RULE OR
- 14 BYLAW ESTABLISH TERM LIMITS.
- 15 4. THE COMMISSION MAY RECOMMEND REMOVAL OR
- 16 SUSPENSION OF ANY DELEGATE FROM OFFICE.
- 17 5. A MEMBER STATE'S STATE LICENSING AUTHORITY SHALL
- 18 FILL ANY VACANCY OF ITS DELEGATE OCCURRING ON THE
- 19 COMMISSION WITHIN SIXTY (60) DAYS OF THE VACANCY.
- 20 6. EACH DELEGATE SHALL BE ENTITLED TO ONE VOTE ON ALL
- 21 MATTERS BEFORE THE COMMISSION REQUIRING A VOTE BY
- 22 COMMISSION DELEGATES.
- 23 7. A DELEGATE SHALL VOTE IN PERSON OR BY SUCH OTHER
- 24 MEANS AS PROVIDED IN THE BYLAWS. THE BYLAWS MAY
- 25 PROVIDE FOR DELEGATES TO MEET BY
- 26 TELECOMMUNICATION, VIDEOCONFERENCE, OR OTHER
- 27 MEANS OF COMMUNICATION.

1 8. THE COMMISSION SHALL MEET AT LEAST ONCE DURING
2 EACH CALENDAR YEAR. ADDITIONAL MEETINGS MAY BE
3 HELD AS SET FORTH IN THE BYLAWS. THE COMMISSION MAY
4 MEET BY TELECOMMUNICATION, VIDEO CONFERENCE, OR
5 OTHER SIMILAR ELECTRONIC MEANS.

6 C. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS:

- 7 1. ESTABLISH THE FISCAL YEAR OF THE COMMISSION;
- 8 2. ESTABLISH CODE OF CONDUCT AND CONFLICT OF INTEREST
9 POLICIES;
- 10 3. ESTABLISH AND AMEND RULES AND BYLAWS;
- 11 4. MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE WITH
12 THE BYLAWS;
- 13 5. MEET AND TAKE SUCH ACTIONS AS ARE CONSISTENT WITH
14 THE PROVISIONS OF THIS COMPACT, THE COMMISSION'S
15 RULES, AND THE BYLAWS;
- 16 6. INITIATE AND CONCLUDE LEGAL PROCEEDINGS OR ACTIONS
17 IN THE NAME OF THE COMMISSION, PROVIDED THAT THE
18 STANDING OF ANY STATE LICENSING BOARD TO SUE OR BE
19 SUED UNDER APPLICABLE LAW SHALL NOT BE AFFECTED;
- 20 7. MAINTAIN AND CERTIFY RECORDS AND INFORMATION
21 PROVIDED TO A MEMBER STATE AS THE AUTHENTICATED
22 BUSINESS RECORDS OF THE COMMISSION AND DESIGNATE
23 AN AGENT TO DO SO ON THE COMMISSION'S BEHALF;
- 24 8. PURCHASE AND MAINTAIN INSURANCE AND BONDS;
- 25 9. BORROW, ACCEPT, OR CONTRACT FOR SERVICES OF
26 PERSONNEL, INCLUDING, BUT NOT LIMITED TO, EMPLOYEES
27 OF A MEMBER STATE;

- 1 10. CONDUCT AN ANNUAL FINANCIAL REVIEW;
- 2 11. HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX
- 3 COMPENSATION, DEFINE DUTIES, GRANT SUCH INDIVIDUALS
- 4 APPROPRIATE AUTHORITY TO CARRY OUT THE PURPOSES OF
- 5 THIS COMPACT AND ESTABLISH THE COMMISSION'S
- 6 PERSONNEL POLICIES AND PROGRAMS RELATING TO
- 7 CONFLICTS OF INTEREST, QUALIFICATIONS OF PERSONNEL,
- 8 AND OTHER RELATED PERSONNEL MATTERS;
- 9 12. ASSESS AND COLLECT FEES;
- 10 13. ACCEPT ANY AND ALL APPROPRIATE GIFTS, DONATIONS,
- 11 GRANTS OF MONEY, OTHER SOURCES OF REVENUE,
- 12 EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES, AND
- 13 RECEIVE, UTILIZE, AND DISPOSE OF THE SAME; PROVIDED
- 14 THAT AT ALL TIMES THE COMMISSION SHALL AVOID ANY
- 15 APPEARANCE OF IMPROPRIETY OR CONFLICT OF INTEREST;
- 16 14. LEASE, PURCHASE, RETAIN, OWN, HOLD, IMPROVE, OR USE
- 17 ANY PROPERTY, REAL, PERSONAL, OR MIXED, OR ANY
- 18 UNDIVIDED INTEREST THEREIN;
- 19 15. SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,
- 20 ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY, REAL,
- 21 PERSONAL, OR MIXED;
- 22 16. ESTABLISH A BUDGET AND MAKE EXPENDITURES;
- 23 17. BORROW MONEY;
- 24 18. APPOINT COMMITTEES, INCLUDING STANDING COMMITTEES,
- 25 COMPOSED OF MEMBERS, STATE REGULATORS, STATE
- 26 LEGISLATORS OR THEIR REPRESENTATIVES, AND CONSUMER
- 27 REPRESENTATIVES, AND SUCH OTHER INTERESTED PERSONS

- 1 AS MAY BE DESIGNATED IN THIS COMPACT AND THE
2 BYLAWS;
- 3 19. PROVIDE AND RECEIVE INFORMATION FROM, AND
4 COOPERATE WITH, LAW ENFORCEMENT AGENCIES;
- 5 20. ESTABLISH AND ELECT AN EXECUTIVE COMMITTEE,
6 INCLUDING A CHAIR AND A VICE CHAIR;
- 7 21. DETERMINE WHETHER A STATE'S ADOPTED LANGUAGE IS
8 MATERIALLY DIFFERENT FROM THE MODEL COMPACT
9 LANGUAGE SUCH THAT THE STATE WOULD NOT QUALIFY
10 FOR PARTICIPATION IN THIS COMPACT; AND
- 11 22. PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY
12 OR APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS
13 COMPACT.

14 D. THE EXECUTIVE COMMITTEE

- 15 1. THE EXECUTIVE COMMITTEE SHALL HAVE THE POWER TO
16 ACT ON BEHALF OF THE COMMISSION ACCORDING TO THE
17 TERMS OF THIS COMPACT. THE POWERS, DUTIES, AND
18 RESPONSIBILITIES OF THE EXECUTIVE COMMITTEE SHALL
19 INCLUDE:
- 20 a. OVERSEE THE DAY-TO-DAY ACTIVITIES OF THE
21 ADMINISTRATION OF THE COMPACT INCLUDING
22 ENFORCEMENT AND COMPLIANCE WITH THE
23 PROVISIONS OF THIS COMPACT, ITS RULES AND
24 BYLAWS, AND OTHER SUCH DUTIES AS DEEMED
25 NECESSARY;
- 26 b. RECOMMEND TO THE COMMISSION CHANGES TO THE
27 RULES OR BYLAWS, CHANGES TO THIS COMPACT

- 1 LEGISLATION, FEES CHARGED TO COMPACT MEMBER
2 STATES, FEES CHARGED TO LICENSEES, AND OTHER
3 FEES;
- 4 c. ENSURE COMPACT ADMINISTRATION SERVICES ARE
5 APPROPRIATELY PROVIDED, INCLUDING BY
6 CONTRACT;
- 7 d. PREPARE AND RECOMMEND THE BUDGET;
- 8 e. MAINTAIN FINANCIAL RECORDS ON BEHALF OF THE
9 COMMISSION;
- 10 f. MONITOR COMPACT COMPLIANCE OF MEMBER
11 STATES AND PROVIDE COMPLIANCE REPORTS TO THE
12 COMMISSION;
- 13 g. ESTABLISH ADDITIONAL COMMITTEES AS
14 NECESSARY;
- 15 h. EXERCISE THE POWERS AND DUTIES OF THE
16 COMMISSION DURING THE INTERIM BETWEEN
17 COMMISSION MEETINGS, EXCEPT FOR ADOPTING OR
18 AMENDING RULES, ADOPTING OR AMENDING
19 BYLAWS, AND EXERCISING ANY OTHER POWERS AND
20 DUTIES EXPRESSLY RESERVED TO THE COMMISSION
21 BY RULE OR BYLAW; AND
- 22 i. OTHER DUTIES AS PROVIDED IN THE RULES OR
23 BYLAWS OF THE COMMISSION.
- 24 2. THE EXECUTIVE COMMITTEE SHALL BE COMPOSED OF UP TO
25 ELEVEN (11) MEMBERS:
- 26 a. THE CHAIR AND VICE CHAIR OF THE COMMISSION
27 SHALL BE VOTING MEMBERS OF THE EXECUTIVE

- 1 COMMITTEE;
- 2 b. THE COMMISSION SHALL ELECT FIVE (5) VOTING
- 3 MEMBERS FROM THE CURRENT MEMBERSHIP OF THE
- 4 COMMISSION; AND
- 5 c. i. UP TO FOUR (4) EX-OFFICIO, NONVOTING MEMBERS
- 6 FROM FOUR (4) RECOGNIZED NATIONAL SOCIAL
- 7 WORK ORGANIZATIONS.
- 8 ii. THE EX-OFFICIO MEMBERS WILL BE SELECTED BY
- 9 THEIR RESPECTIVE ORGANIZATIONS.
- 10 3. THE COMMISSION MAY REMOVE ANY MEMBER OF THE
- 11 EXECUTIVE COMMITTEE AS PROVIDED IN THE COMMISSION'S
- 12 BYLAWS.
- 13 4. THE EXECUTIVE COMMITTEE SHALL MEET AT LEAST
- 14 ANNUALLY.
- 15 a. EXECUTIVE COMMITTEE MEETINGS SHALL BE OPEN
- 16 TO THE PUBLIC, EXCEPT THAT THE EXECUTIVE
- 17 COMMITTEE MAY MEET IN A CLOSED, NON-PUBLIC
- 18 MEETING AS PROVIDED IN SUBSECTION F.2. OF THIS
- 19 SECTION 10.
- 20 b. THE EXECUTIVE COMMITTEE SHALL GIVE SEVEN (7)
- 21 DAYS' NOTICE OF ITS MEETINGS, POSTED ON ITS
- 22 WEBSITE AND AS DETERMINED TO PROVIDE NOTICE
- 23 TO PERSONS WITH AN INTEREST IN THE BUSINESS OF
- 24 THE COMMISSION.
- 25 c. THE EXECUTIVE COMMITTEE MAY HOLD A SPECIAL
- 26 MEETING IN ACCORDANCE WITH SUBSECTION F.1.b.
- 27 OF THIS SECTION 10.

1 E. THE COMMISSION SHALL ADOPT AND PROVIDE TO THE MEMBER
2 STATES AN ANNUAL REPORT.

3 F. MEETINGS OF THE COMMISSION

4 1. ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, EXCEPT
5 THAT THE COMMISSION MAY MEET IN A CLOSED,
6 NON-PUBLIC MEETING AS PROVIDED IN SUBSECTION F.2. OF
7 THIS SECTION 10.

8 a. PUBLIC NOTICE FOR ALL MEETINGS OF THE FULL
9 COMMISSION SHALL BE GIVEN IN THE SAME MANNER
10 AS REQUIRED UNDER THE RULEMAKING PROVISIONS
11 IN SECTION 12 OF THIS COMPACT, EXCEPT THAT THE
12 COMMISSION MAY HOLD A SPECIAL MEETING AS
13 PROVIDED IN SUBSECTION F.1.b. OF THIS SECTION
14 10.

15 b. THE COMMISSION MAY HOLD A SPECIAL MEETING
16 WHEN IT MUST MEET TO CONDUCT EMERGENCY
17 BUSINESS BY GIVING FORTY-EIGHT (48) HOURS'
18 NOTICE TO ALL COMMISSIONERS, ON THE
19 COMMISSION'S WEBSITE, AND BY OTHER MEANS AS
20 PROVIDED IN THE COMMISSION'S RULES. THE
21 COMMISSION'S LEGAL COUNSEL SHALL CERTIFY THAT
22 THE COMMISSION'S NEED TO MEET QUALIFIES AS AN
23 EMERGENCY.

24 2. THE COMMISSION OR THE EXECUTIVE COMMITTEE OR
25 OTHER COMMITTEES OF THE COMMISSION MAY CONVENE IN
26 A CLOSED, NON-PUBLIC MEETING FOR THE COMMISSION OR
27 EXECUTIVE COMMITTEE OR OTHER COMMITTEES OF THE

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- COMMISSION TO RECEIVE LEGAL ADVICE OR TO DISCUSS:
- a. NON-COMPLIANCE OF A MEMBER STATE WITH ITS OBLIGATIONS UNDER THIS COMPACT;
 - b. THE EMPLOYMENT, COMPENSATION, DISCIPLINE OR OTHER MATTERS, PRACTICES, OR PROCEDURES RELATED TO SPECIFIC EMPLOYEES;
 - c. CURRENT OR THREATENED DISCIPLINE OF A LICENSEE BY THE COMMISSION OR BY A MEMBER STATE'S LICENSING AUTHORITY;
 - d. CURRENT, THREATENED, OR REASONABLY ANTICIPATED LITIGATION;
 - e. NEGOTIATION OF CONTRACTS FOR THE PURCHASE, LEASE, OR SALE OF GOODS, SERVICES, OR REAL ESTATE;
 - f. ACCUSING ANY PERSON OF A CRIME OR FORMALLY CENSURING ANY PERSON;
 - g. TRADE SECRETS OR COMMERCIAL OR FINANCIAL INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL;
 - h. INFORMATION OF A PERSONAL NATURE WHERE DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY;
 - i. INVESTIGATIVE RECORDS COMPILED FOR LAW ENFORCEMENT PURPOSES;
 - j. INFORMATION RELATED TO ANY INVESTIGATIVE REPORTS PREPARED BY OR ON BEHALF OF OR FOR USE OF THE COMMISSION OR OTHER COMMITTEE

1 CHARGED WITH RESPONSIBILITY OF INVESTIGATION
2 OR DETERMINATION OF COMPLIANCE ISSUES
3 PURSUANT TO THIS COMPACT;

4 k. MATTERS SPECIFICALLY EXEMPTED FROM
5 DISCLOSURE BY FEDERAL OR MEMBER STATE LAW;
6 OR

7 l. OTHER MATTERS AS PROMULGATED BY THE
8 COMMISSION BY RULE.

9 3. IF A MEETING, OR PORTION OF A MEETING, IS CLOSED, THE
10 PRESIDING OFFICER SHALL STATE THAT THE MEETING WILL
11 BE CLOSED AND REFERENCE EACH RELEVANT EXEMPTING
12 PROVISION, AND SUCH REFERENCE SHALL BE RECORDED IN
13 THE MINUTES.

14 4. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND
15 CLEARLY DESCRIBE ALL MATTERS DISCUSSED IN A MEETING
16 AND SHALL PROVIDE A FULL AND ACCURATE SUMMARY OF
17 ACTIONS TAKEN, AND THE REASONS THEREFORE, INCLUDING
18 A DESCRIPTION OF THE VIEWS EXPRESSED. ALL DOCUMENTS
19 CONSIDERED IN CONNECTION WITH AN ACTION SHALL BE
20 IDENTIFIED IN SUCH MINUTES. ALL MINUTES AND
21 DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER
22 SEAL, SUBJECT TO RELEASE ONLY BY A MAJORITY VOTE OF
23 THE COMMISSION OR ORDER OF A COURT OF COMPETENT
24 JURISDICTION.

25 G. FINANCING OF THE COMMISSION

26 1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE
27 PAYMENT OF, THE REASONABLE EXPENSES OF ITS

1 ESTABLISHMENT, ORGANIZATION, AND ONGOING ACTIVITIES.

2 2. THE COMMISSION MAY ACCEPT ANY AND ALL APPROPRIATE
3 REVENUE SOURCES AS PROVIDED IN SUBSECTION C.13. OF
4 THIS SECTION 10.

5 3. THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL
6 ASSESSMENT FROM EACH MEMBER STATE AND IMPOSE FEES
7 ON LICENSEES OF MEMBER STATES TO WHOM IT GRANTS A
8 MULTISTATE LICENSE TO COVER THE COST OF THE
9 OPERATIONS AND ACTIVITIES OF THE COMMISSION AND ITS
10 STAFF, WHICH MUST BE IN A TOTAL AMOUNT SUFFICIENT TO
11 COVER ITS ANNUAL BUDGET AS APPROVED EACH YEAR FOR
12 WHICH REVENUE IS NOT PROVIDED BY OTHER SOURCES. THE
13 AGGREGATE ANNUAL ASSESSMENT AMOUNT FOR MEMBER
14 STATES SHALL BE ALLOCATED BASED UPON A FORMULA
15 THAT THE COMMISSION SHALL PROMULGATE BY RULE.

16 4. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY
17 KIND PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET
18 THE SAME; NOR SHALL THE COMMISSION PLEDGE THE
19 CREDIT OF ANY OF THE MEMBER STATES, EXCEPT BY AND
20 WITH THE AUTHORITY OF THE MEMBER STATE.

21 5. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL
22 RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND
23 DISBURSEMENTS OF THE COMMISSION SHALL BE SUBJECT TO
24 THE FINANCIAL REVIEW AND ACCOUNTING PROCEDURES
25 ESTABLISHED UNDER ITS BYLAWS. HOWEVER, ALL RECEIPTS
26 AND DISBURSEMENTS OF FUNDS HANDLED BY THE
27 COMMISSION SHALL BE SUBJECT TO AN ANNUAL FINANCIAL

1 REVIEW BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT,
2 AND THE REPORT OF THE FINANCIAL REVIEW SHALL BE
3 INCLUDED IN AND BECOME PART OF THE ANNUAL REPORT OF
4 THE COMMISSION.

5 H. QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION

6 1. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR,
7 EMPLOYEES AND REPRESENTATIVES OF THE COMMISSION
8 SHALL BE IMMUNE FROM SUIT AND LIABILITY, BOTH
9 PERSONALLY AND IN THEIR OFFICIAL CAPACITY, FOR ANY
10 CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL
11 INJURY OR OTHER CIVIL LIABILITY CAUSED BY OR ARISING
12 OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION
13 THAT OCCURRED, OR THAT THE PERSON AGAINST WHOM THE
14 CLAIM IS MADE HAD A REASONABLE BASIS FOR BELIEVING
15 OCCURRED WITHIN THE SCOPE OF COMMISSION
16 EMPLOYMENT, DUTIES, OR RESPONSIBILITIES; PROVIDED
17 THAT NOTHING IN THIS SUBSECTION H.1. SHALL BE
18 CONSTRUED TO PROTECT ANY SUCH PERSON FROM SUIT OR
19 LIABILITY FOR ANY DAMAGE, LOSS, INJURY, OR LIABILITY
20 CAUSED BY THE INTENTIONAL OR WILLFUL OR WANTON
21 MISCONDUCT OF THAT PERSON. THE PROCUREMENT OF
22 INSURANCE OF ANY TYPE BY THE COMMISSION SHALL NOT
23 IN ANY WAY COMPROMISE OR LIMIT THE IMMUNITY
24 GRANTED HEREUNDER.

25 2. THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER,
26 EXECUTIVE DIRECTOR, EMPLOYEE, AND REPRESENTATIVE OF
27 THE COMMISSION IN ANY CIVIL ACTION SEEKING TO IMPOSE

1 LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED ACT,
2 ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF
3 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES,
4 OR AS DETERMINED BY THE COMMISSION THAT THE PERSON
5 AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE
6 BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF
7 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES;
8 PROVIDED THAT NOTHING HEREIN SHALL BE CONSTRUED TO
9 PROHIBIT THAT PERSON FROM RETAINING THEIR OWN
10 COUNSEL AT THEIR OWN EXPENSE; AND PROVIDED FURTHER,
11 THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION
12 DID NOT RESULT FROM THAT PERSON'S INTENTIONAL OR
13 WILLFUL OR WANTON MISCONDUCT.

14 3. THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS
15 ANY MEMBER, OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE,
16 AND REPRESENTATIVE OF THE COMMISSION FOR THE
17 AMOUNT OF ANY SETTLEMENT OR JUDGMENT OBTAINED
18 AGAINST THAT PERSON ARISING OUT OF ANY ACTUAL OR
19 ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED
20 WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES,
21 OR RESPONSIBILITIES, OR THAT SUCH PERSON HAD A
22 REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE
23 SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR
24 RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR
25 ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT FROM
26 THE INTENTIONAL OR WILLFUL OR WANTON MISCONDUCT OF
27 THAT PERSON.

- 1 4. NOTHING HEREIN SHALL BE CONSTRUED AS A LIMITATION
2 ON THE LIABILITY OF ANY LICENSEE FOR PROFESSIONAL
3 MALPRACTICE OR MISCONDUCT, WHICH SHALL BE
4 GOVERNED SOLELY BY ANY OTHER APPLICABLE STATE
5 LAWS.
- 6 5. NOTHING IN THIS COMPACT SHALL BE INTERPRETED TO
7 WAIVE OR OTHERWISE ABROGATE A MEMBER STATE'S
8 STATE ACTION IMMUNITY OR STATE ACTION AFFIRMATIVE
9 DEFENSE WITH RESPECT TO ANTITRUST CLAIMS UNDER THE
10 SHERMAN ACT, CLAYTON ACT, OR ANY OTHER STATE OR
11 FEDERAL ANTITRUST OR ANTICOMPETITIVE LAW OR
12 REGULATION.
- 13 6. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO BE A
14 WAIVER OF SOVEREIGN IMMUNITY BY THE MEMBER STATES
15 OR BY THE COMMISSION.

16 **SECTION 11. DATA SYSTEM**

- 17 A. THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT,
18 MAINTENANCE, OPERATION, AND UTILIZATION OF A COORDINATED
19 DATA SYSTEM.
- 20 B. THE COMMISSION SHALL ASSIGN EACH APPLICANT FOR A
21 MULTISTATE LICENSE A UNIQUE IDENTIFIER, AS DETERMINED BY
22 THE RULES OF THE COMMISSION.
- 23 C. NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO THE
24 CONTRARY, A MEMBER STATE SHALL SUBMIT A UNIFORM DATA SET
25 TO THE DATA SYSTEM ON ALL INDIVIDUALS TO WHOM THIS
26 COMPACT IS APPLICABLE AS REQUIRED BY THE RULES OF THE
27 COMMISSION, INCLUDING:

- 1 1. IDENTIFYING INFORMATION;
- 2 2. LICENSURE DATA;
- 3 3. ADVERSE ACTIONS AGAINST A LICENSE AND INFORMATION
- 4 RELATED THERETO;
- 5 4. NON-CONFIDENTIAL INFORMATION RELATED TO
- 6 ALTERNATIVE PROGRAM PARTICIPATION, THE BEGINNING
- 7 AND ENDING DATES OF SUCH PARTICIPATION, AND OTHER
- 8 INFORMATION RELATED TO SUCH PARTICIPATION NOT MADE
- 9 CONFIDENTIAL UNDER MEMBER STATE LAW;
- 10 5. ANY DENIAL OF APPLICATION FOR LICENSURE AND THE
- 11 REASON(S) FOR SUCH DENIAL;
- 12 6. THE PRESENCE OF CURRENT SIGNIFICANT INVESTIGATIVE
- 13 INFORMATION; AND
- 14 7. OTHER INFORMATION THAT MAY FACILITATE THE
- 15 ADMINISTRATION OF THIS COMPACT OR THE PROTECTION OF
- 16 THE PUBLIC, AS DETERMINED BY THE RULES OF THE
- 17 COMMISSION.

18 D. THE RECORDS AND INFORMATION PROVIDED TO A MEMBER STATE
19 PURSUANT TO THIS COMPACT OR THROUGH THE DATA SYSTEM,
20 WHEN CERTIFIED BY THE COMMISSION OR AN AGENT THEREOF,
21 SHALL CONSTITUTE THE AUTHENTICATED BUSINESS RECORDS OF
22 THE COMMISSION AND SHALL BE ENTITLED TO ANY ASSOCIATED
23 HEARSAY EXCEPTION IN ANY RELEVANT JUDICIAL, QUASI-JUDICIAL,
24 OR ADMINISTRATIVE PROCEEDINGS IN A MEMBER STATE.

25 E. CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION PERTAINING
26 TO A LICENSEE IN ANY MEMBER STATE WILL ONLY BE AVAILABLE
27 TO OTHER MEMBER STATES.

1 1. IT IS THE RESPONSIBILITY OF THE MEMBER STATES TO
2 REPORT ANY ADVERSE ACTION AGAINST A LICENSEE AND
3 TO MONITOR THE DATABASE TO DETERMINE WHETHER
4 ADVERSE ACTION HAS BEEN TAKEN AGAINST A LICENSEE.
5 ADVERSE ACTION INFORMATION PERTAINING TO A
6 LICENSEE IN ANY MEMBER STATE WILL BE AVAILABLE TO
7 ANY OTHER MEMBER STATE.

8 F. MEMBER STATES CONTRIBUTING INFORMATION TO THE DATA
9 SYSTEM MAY DESIGNATE INFORMATION THAT MAY NOT BE SHARED
10 WITH THE PUBLIC WITHOUT THE EXPRESS PERMISSION OF THE
11 CONTRIBUTING STATE.

12 G. ANY INFORMATION SUBMITTED TO THE DATA SYSTEM THAT IS
13 SUBSEQUENTLY EXPUNGED PURSUANT TO FEDERAL LAW OR THE
14 LAWS OF THE MEMBER STATE CONTRIBUTING THE INFORMATION
15 SHALL BE REMOVED FROM THE DATA SYSTEM.

16 **SECTION 12. RULEMAKING**

17 A. THE COMMISSION SHALL PROMULGATE REASONABLE RULES IN
18 ORDER TO EFFECTIVELY AND EFFICIENTLY IMPLEMENT AND
19 ADMINISTER THE PURPOSES AND PROVISIONS OF THIS COMPACT. A
20 RULE SHALL BE INVALID AND HAVE NO FORCE OR EFFECT ONLY IF
21 A COURT OF COMPETENT JURISDICTION HOLDS THAT THE RULE IS
22 INVALID BECAUSE THE COMMISSION EXERCISED ITS RULEMAKING
23 AUTHORITY IN A MANNER THAT IS BEYOND THE SCOPE AND
24 PURPOSES OF THIS COMPACT, OR THE POWERS GRANTED
25 HEREUNDER, OR BASED UPON ANOTHER APPLICABLE STANDARD OF
26 REVIEW.

27 B. THE RULES OF THE COMMISSION SHALL HAVE THE FORCE OF LAW

1 IN EACH MEMBER STATE, PROVIDED HOWEVER THAT WHERE THE
2 RULES OF THE COMMISSION CONFLICT WITH THE LAWS OF THE
3 MEMBER STATE THAT ESTABLISH THE MEMBER STATE'S LAWS,
4 REGULATIONS, AND APPLICABLE STANDARDS THAT GOVERN THE
5 PRACTICE OF SOCIAL WORK AS HELD BY A COURT OF COMPETENT
6 JURISDICTION, THE RULES OF THE COMMISSION SHALL BE
7 INEFFECTIVE IN THAT STATE TO THE EXTENT OF THE CONFLICT.

8 C. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS
9 PURSUANT TO THE CRITERIA SET FORTH IN THIS SECTION 12. AND
10 THE RULES ADOPTED THEREUNDER. RULES SHALL BECOME BINDING
11 ON THE DAY FOLLOWING ADOPTION OR THE DATE SPECIFIED IN THE
12 RULE OR AMENDMENT, WHICHEVER IS LATER.

13 D. IF A MAJORITY OF THE LEGISLATURES OF THE MEMBER STATES
14 REJECTS A RULE OR PORTION OF A RULE, BY ENACTMENT OF A
15 STATUTE OR RESOLUTION IN THE SAME MANNER USED TO ADOPT
16 THIS COMPACT WITHIN FOUR (4) YEARS OF THE DATE OF ADOPTION
17 OF THE RULE, THEN SUCH RULE SHALL HAVE NO FURTHER FORCE
18 AND EFFECT IN ANY MEMBER STATE.

19 E. RULES SHALL BE ADOPTED AT A REGULAR OR SPECIAL MEETING OF
20 THE COMMISSION.

21 F. PRIOR TO ADOPTION OF A PROPOSED RULE, THE COMMISSION SHALL
22 HOLD A PUBLIC HEARING AND ALLOW PERSONS TO PROVIDE ORAL
23 AND WRITTEN COMMENTS, DATA, FACTS, OPINIONS, AND
24 ARGUMENTS.

25 G. PRIOR TO ADOPTION OF A PROPOSED RULE BY THE COMMISSION,
26 AND AT LEAST THIRTY (30) DAYS IN ADVANCE OF THE MEETING AT
27 WHICH THE COMMISSION WILL HOLD A PUBLIC HEARING ON THE

1 PROPOSED RULE, THE COMMISSION SHALL PROVIDE A NOTICE OF
2 PROPOSED RULEMAKING:

- 3 1. ON THE WEBSITE OF THE COMMISSION OR OTHER PUBLICLY
4 ACCESSIBLE PLATFORM;
- 5 2. TO PERSONS WHO HAVE REQUESTED NOTICE OF THE
6 COMMISSION'S NOTICES OF PROPOSED RULEMAKING; AND
- 7 3. IN SUCH OTHER WAY(S) AS THE COMMISSION MAY BY RULE
8 SPECIFY.

9 H. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE:

- 10 1. THE TIME, DATE, AND LOCATION OF THE PUBLIC HEARING AT
11 WHICH THE COMMISSION WILL HEAR PUBLIC COMMENTS ON
12 THE PROPOSED RULE AND, IF DIFFERENT, THE TIME, DATE,
13 AND LOCATION OF THE MEETING WHERE THE COMMISSION
14 WILL CONSIDER AND VOTE ON THE PROPOSED RULE;
- 15 2. IF THE HEARING IS HELD VIA TELECOMMUNICATION, VIDEO
16 CONFERENCE, OR OTHER ELECTRONIC MEANS, THE
17 MECHANISM FOR ACCESS TO THE HEARING;
- 18 3. THE TEXT OF THE PROPOSED RULE AND THE REASON
19 THEREFOR;
- 20 4. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM
21 ANY INTERESTED PERSON; AND
- 22 5. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT
23 WRITTEN COMMENTS.

24 I. ALL HEARINGS WILL BE RECORDED. A COPY OF THE RECORDING
25 AND ALL WRITTEN COMMENTS AND DOCUMENTS RECEIVED BY THE
26 COMMISSION IN RESPONSE TO THE PROPOSED RULE SHALL BE
27 AVAILABLE TO THE PUBLIC.

1 J. NOTHING IN THIS SECTION 12. SHALL BE CONSTRUED AS REQUIRING
2 A SEPARATE HEARING ON EACH RULE. RULES MAY BE GROUPED FOR
3 THE CONVENIENCE OF THE COMMISSION AT HEARINGS REQUIRED BY
4 THIS SECTION.

5 K. THE COMMISSION SHALL, BY MAJORITY VOTE OF ALL MEMBERS,
6 TAKE FINAL ACTION ON THE PROPOSED RULE BASED ON THE
7 RULEMAKING RECORD AND THE FULL TEXT OF THE RULE.

8 1. THE COMMISSION MAY ADOPT CHANGES TO THE PROPOSED
9 RULE PROVIDED THE CHANGES DO NOT ENLARGE THE
10 ORIGINAL PURPOSE OF THE PROPOSED RULE.

11 2. THE COMMISSION SHALL PROVIDE AN EXPLANATION OF THE
12 REASONS FOR SUBSTANTIVE CHANGES MADE TO THE
13 PROPOSED RULE AS WELL AS REASONS FOR SUBSTANTIVE
14 CHANGES NOT MADE THAT WERE RECOMMENDED BY
15 COMMENTERS.

16 3. THE COMMISSION SHALL DETERMINE A REASONABLE
17 EFFECTIVE DATE FOR THE RULE. EXCEPT FOR AN
18 EMERGENCY AS PROVIDED IN SECTION 12.L. OF THIS
19 COMPACT, THE EFFECTIVE DATE OF THE RULE SHALL BE NO
20 SOONER THAN THIRTY (30) DAYS AFTER ISSUING THE NOTICE
21 THAT IT ADOPTED OR AMENDED THE RULE.

22 L. UPON DETERMINATION THAT AN EMERGENCY EXISTS, THE
23 COMMISSION MAY CONSIDER AND ADOPT AN EMERGENCY RULE
24 WITH FORTY-EIGHT (48) HOURS' NOTICE, WITH OPPORTUNITY TO
25 COMMENT, PROVIDED THAT THE USUAL RULEMAKING PROCEDURES
26 PROVIDED IN THIS COMPACT AND IN THIS SECTION 12 SHALL BE
27 RETROACTIVELY APPLIED TO THE RULE AS SOON AS REASONABLY

1 POSSIBLE, IN NO EVENT LATER THAN NINETY (90) DAYS AFTER THE
2 EFFECTIVE DATE OF THE RULE. FOR THE PURPOSES OF THIS
3 PROVISION, AN EMERGENCY RULE IS ONE THAT MUST BE ADOPTED
4 IMMEDIATELY IN ORDER TO:

- 5 1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY,
6 OR WELFARE;
- 7 2. PREVENT A LOSS OF COMMISSION OR MEMBER STATE
8 FUNDS;
- 9 3. MEET A DEADLINE FOR THE PROMULGATION OF A RULE
10 THAT IS ESTABLISHED BY FEDERAL LAW OR RULE; OR
- 11 4. PROTECT PUBLIC HEALTH AND SAFETY.

12 M. THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE
13 COMMISSION MAY DIRECT REVISIONS TO A PREVIOUSLY ADOPTED
14 RULE FOR PURPOSES OF CORRECTING TYPOGRAPHICAL ERRORS,
15 ERRORS IN FORMAT, ERRORS IN CONSISTENCY, OR GRAMMATICAL
16 ERRORS. PUBLIC NOTICE OF ANY REVISIONS SHALL BE POSTED ON
17 THE WEBSITE OF THE COMMISSION. THE REVISION SHALL BE
18 SUBJECT TO CHALLENGE BY ANY PERSON FOR A PERIOD OF THIRTY
19 (30) DAYS AFTER POSTING. THE REVISION MAY BE CHALLENGED
20 ONLY ON GROUNDS THAT THE REVISION RESULTS IN A MATERIAL
21 CHANGE TO A RULE. A CHALLENGE SHALL BE MADE IN WRITING
22 AND DELIVERED TO THE COMMISSION PRIOR TO THE END OF THE
23 NOTICE PERIOD. IF NO CHALLENGE IS MADE, THE REVISION WILL
24 TAKE EFFECT WITHOUT FURTHER ACTION. IF THE REVISION IS
25 CHALLENGED, THE REVISION MAY NOT TAKE EFFECT WITHOUT THE
26 APPROVAL OF THE COMMISSION.

27 N. NO MEMBER STATE'S RULEMAKING REQUIREMENTS SHALL APPLY

1 UNDER THIS COMPACT.

2 **SECTION 13. OVERSIGHT, DISPUTE**
3 **RESOLUTION, AND ENFORCEMENT**

4 A. OVERSIGHT

5 1. THE EXECUTIVE AND JUDICIAL BRANCHES OF STATE
6 GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE
7 THIS COMPACT AND TAKE ALL ACTIONS NECESSARY AND
8 APPROPRIATE TO IMPLEMENT THIS COMPACT.

9 2. EXCEPT AS OTHERWISE PROVIDED IN THIS COMPACT, VENUE
10 IS PROPER AND JUDICIAL PROCEEDINGS BY OR AGAINST THE
11 COMMISSION SHALL BE BROUGHT SOLELY AND
12 EXCLUSIVELY IN A COURT OF COMPETENT JURISDICTION
13 WHERE THE PRINCIPAL OFFICE OF THE COMMISSION IS
14 LOCATED. THE COMMISSION MAY WAIVE VENUE AND
15 JURISDICTIONAL DEFENSES TO THE EXTENT IT ADOPTS OR
16 CONSENTS TO PARTICIPATE IN ALTERNATIVE DISPUTE
17 RESOLUTION PROCEEDINGS. NOTHING HEREIN SHALL AFFECT
18 OR LIMIT THE SELECTION OR PROPRIETY OF VENUE IN ANY
19 ACTION AGAINST A LICENSEE FOR PROFESSIONAL
20 MALPRACTICE, MISCONDUCT OR ANY SUCH SIMILAR
21 MATTER.

22 3. THE COMMISSION SHALL BE ENTITLED TO RECEIVE SERVICE
23 OF PROCESS IN ANY PROCEEDING REGARDING THE
24 ENFORCEMENT OR INTERPRETATION OF THIS COMPACT AND
25 SHALL HAVE STANDING TO INTERVENE IN SUCH A
26 PROCEEDING FOR ALL PURPOSES. FAILURE TO PROVIDE THE
27 COMMISSION SERVICE OF PROCESS SHALL RENDER A

1 JUDGMENT OR ORDER VOID AS TO THE COMMISSION, THIS
2 COMPACT, OR PROMULGATED RULES.

3 B. DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION

4 1. IF THE COMMISSION DETERMINES THAT A MEMBER STATE
5 HAS DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS
6 OR RESPONSIBILITIES UNDER THIS COMPACT OR THE
7 PROMULGATED RULES, THE COMMISSION SHALL PROVIDE
8 WRITTEN NOTICE TO THE DEFAULTING STATE. THE NOTICE
9 OF DEFAULT SHALL DESCRIBE THE DEFAULT, THE PROPOSED
10 MEANS OF CURING THE DEFAULT, AND ANY OTHER ACTION
11 THAT THE COMMISSION MAY TAKE, AND SHALL OFFER
12 TRAINING AND SPECIFIC TECHNICAL ASSISTANCE REGARDING
13 THE DEFAULT.

14 2. THE COMMISSION SHALL PROVIDE A COPY OF THE NOTICE OF
15 DEFAULT TO THE OTHER MEMBER STATES.

16 C. IF A STATE IN DEFAULT FAILS TO CURE THE DEFAULT, THE
17 DEFAULTING STATE MAY BE TERMINATED FROM THE COMPACT
18 UPON AN AFFIRMATIVE VOTE OF A MAJORITY OF THE DELEGATES OF
19 THE MEMBER STATES, AND ALL RIGHTS, PRIVILEGES, AND BENEFITS
20 CONFERRED ON THAT STATE BY THIS COMPACT MAY BE
21 TERMINATED ON THE EFFECTIVE DATE OF TERMINATION. A CURE OF
22 THE DEFAULT DOES NOT RELIEVE THE OFFENDING STATE OF
23 OBLIGATIONS OR LIABILITIES INCURRED DURING THE PERIOD OF
24 DEFAULT.

25 D. TERMINATION OF MEMBERSHIP IN THE COMPACT SHALL BE
26 IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING
27 COMPLIANCE HAVE BEEN EXHAUSTED. NOTICE OF INTENT TO

1 SUSPEND OR TERMINATE SHALL BE GIVEN BY THE COMMISSION TO
2 THE GOVERNOR, THE MAJORITY AND MINORITY LEADERS OF THE
3 DEFAULTING STATE'S LEGISLATURE, THE DEFAULTING STATE'S
4 LICENSING AUTHORITY, AND EACH OF THE MEMBER STATES'
5 LICENSING AUTHORITY.

6 E. A STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR ALL
7 ASSESSMENTS, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH
8 THE EFFECTIVE DATE OF TERMINATION, INCLUDING OBLIGATIONS
9 THAT EXTEND BEYOND THE EFFECTIVE DATE OF TERMINATION.

10 F. UPON THE TERMINATION OF A STATE'S MEMBERSHIP FROM THIS
11 COMPACT, THAT STATE SHALL IMMEDIATELY PROVIDE NOTICE TO
12 ALL LICENSEES WITHIN THAT STATE OF SUCH TERMINATION. THE
13 TERMINATED STATE SHALL CONTINUE TO RECOGNIZE ALL LICENSES
14 GRANTED PURSUANT TO THIS COMPACT FOR A MINIMUM OF SIX (6)
15 MONTHS AFTER THE DATE OF SAID NOTICE OF TERMINATION.

16 G. THE COMMISSION SHALL NOT BEAR ANY COSTS RELATED TO A
17 STATE THAT IS FOUND TO BE IN DEFAULT OR THAT HAS BEEN
18 TERMINATED FROM THE COMPACT, UNLESS AGREED UPON IN
19 WRITING BETWEEN THE COMMISSION AND THE DEFAULTING STATE.

20 H. THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE
21 COMMISSION BY PETITIONING THE U.S. DISTRICT COURT FOR THE
22 DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE
23 COMMISSION HAS ITS PRINCIPAL OFFICES. THE PREVAILING PARTY
24 SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION, INCLUDING
25 REASONABLE ATTORNEY'S FEES.

26 I. DISPUTE RESOLUTION

27 1. UPON REQUEST BY A MEMBER STATE, THE COMMISSION

1 SHALL ATTEMPT TO RESOLVE DISPUTES RELATED TO THIS
2 COMPACT THAT ARISE AMONG MEMBER STATES AND
3 BETWEEN MEMBER AND NON-MEMBER STATES.

4 2. THE COMMISSION SHALL PROMULGATE A RULE PROVIDING
5 FOR BOTH MEDIATION AND BINDING DISPUTE RESOLUTION
6 FOR DISPUTES AS APPROPRIATE.

7 J. ENFORCEMENT

8 1. BY MAJORITY VOTE AS PROVIDED BY RULE, THE
9 COMMISSION MAY INITIATE LEGAL ACTION AGAINST A
10 MEMBER STATE IN DEFAULT IN THE UNITED STATES
11 DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR THE
12 FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS
13 PRINCIPAL OFFICES TO ENFORCE COMPLIANCE WITH THE
14 PROVISIONS OF THIS COMPACT AND ITS PROMULGATED
15 RULES. THE RELIEF SOUGHT MAY INCLUDE BOTH
16 INJUNCTIVE RELIEF AND DAMAGES. IN THE EVENT JUDICIAL
17 ENFORCEMENT IS NECESSARY, THE PREVAILING PARTY
18 SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION,
19 INCLUDING REASONABLE ATTORNEY'S FEES. THE REMEDIES
20 HEREIN SHALL NOT BE THE EXCLUSIVE REMEDIES OF THE
21 COMMISSION. THE COMMISSION MAY PURSUE ANY OTHER
22 REMEDIES AVAILABLE UNDER FEDERAL OR THE DEFAULTING
23 MEMBER STATE'S LAW.

24 2. A MEMBER STATE MAY INITIATE LEGAL ACTION AGAINST
25 THE COMMISSION IN THE U.S. DISTRICT COURT FOR THE
26 DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE
27 THE COMMISSION HAS ITS PRINCIPAL OFFICES TO ENFORCE

1 COMPLIANCE WITH THE PROVISIONS OF THE COMPACT AND
2 ITS PROMULGATED RULES. THE RELIEF SOUGHT MAY
3 INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IN THE
4 EVENT JUDICIAL ENFORCEMENT IS NECESSARY, THE
5 PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH
6 LITIGATION, INCLUDING REASONABLE ATTORNEY'S FEES.

7 3. NO PERSON OTHER THAN A MEMBER STATE SHALL ENFORCE
8 THIS COMPACT AGAINST THE COMMISSION.

9 **SECTION 14. EFFECTIVE DATE, WITHDRAWAL,**
10 **AND AMENDMENT**

11 A. THIS COMPACT SHALL COME INTO EFFECT ON THE DATE ON WHICH
12 THIS COMPACT STATUTE IS ENACTED INTO LAW IN THE SEVENTH
13 MEMBER STATE.

14 1. ON OR AFTER THE EFFECTIVE DATE OF THIS COMPACT, THE
15 COMMISSION SHALL CONVENE AND REVIEW THE
16 ENACTMENT OF EACH OF THE FIRST SEVEN MEMBER STATES
17 ("CHARTER MEMBER STATES") TO DETERMINE IF THE
18 STATUTE ENACTED BY EACH SUCH CHARTER MEMBER
19 STATE IS MATERIALLY DIFFERENT THAN THE MODEL
20 COMPACT STATUTE.

21 a. A CHARTER MEMBER STATE WHOSE ENACTMENT IS
22 FOUND TO BE MATERIALLY DIFFERENT FROM THE
23 MODEL COMPACT STATUTE SHALL BE ENTITLED TO
24 THE DEFAULT PROCESS SET FORTH IN SECTION 13.

25 b. IF ANY MEMBER STATE IS LATER FOUND TO BE IN
26 DEFAULT, OR IS TERMINATED OR WITHDRAWS FROM
27 THIS COMPACT, THE COMMISSION SHALL REMAIN IN

1 EXISTENCE AND THIS COMPACT SHALL REMAIN IN
2 EFFECT EVEN IF THE NUMBER OF MEMBER STATES
3 SHOULD BE LESS THAN SEVEN.

4 2. MEMBER STATES ENACTING THIS COMPACT SUBSEQUENT
5 TO THE SEVEN INITIAL CHARTER MEMBER STATES SHALL BE
6 SUBJECT TO THE PROCESS SET FORTH IN SECTION 10.C.21.
7 OF THIS COMPACT TO DETERMINE IF THEIR ENACTMENTS
8 ARE MATERIALLY DIFFERENT FROM THE MODEL COMPACT
9 STATUTE AND WHETHER THEY QUALIFY FOR PARTICIPATION
10 IN THIS COMPACT.

11 3. ALL ACTIONS TAKEN FOR THE BENEFIT OF THE COMMISSION
12 OR IN FURTHERANCE OF THE PURPOSES OF THE
13 ADMINISTRATION OF THIS COMPACT PRIOR TO THE
14 EFFECTIVE DATE OF THIS COMPACT OR THE COMMISSION
15 COMING INTO EXISTENCE SHALL BE CONSIDERED TO BE
16 ACTIONS OF THE COMMISSION UNLESS SPECIFICALLY
17 REPUDIATED BY THE COMMISSION.

18 4. ANY STATE THAT JOINS THIS COMPACT SUBSEQUENT TO THE
19 COMMISSION'S INITIAL ADOPTION OF THE RULES AND
20 BYLAWS SHALL BE SUBJECT TO THE RULES AND BYLAWS AS
21 THEY EXIST ON THE DATE ON WHICH THIS COMPACT
22 BECOMES LAW IN THAT STATE. ANY RULE THAT HAS BEEN
23 PREVIOUSLY ADOPTED BY THE COMMISSION SHALL HAVE
24 THE FULL FORCE AND EFFECT OF LAW ON THE DAY THIS
25 COMPACT BECOMES LAW IN THAT STATE.

26 B. ANY MEMBER STATE MAY WITHDRAW FROM THIS COMPACT BY
27 ENACTING A STATUTE REPEALING THE SAME.

- 1 1. A MEMBER STATE'S WITHDRAWAL SHALL NOT TAKE EFFECT
2 UNTIL ONE HUNDRED EIGHTY (180) DAYS AFTER
3 ENACTMENT OF THE REPEALING STATUTE.
- 4 2. WITHDRAWAL SHALL NOT AFFECT THE CONTINUING
5 REQUIREMENT OF THE WITHDRAWING STATE'S LICENSING
6 AUTHORITY TO COMPLY WITH THE INVESTIGATIVE AND
7 ADVERSE ACTION REPORTING REQUIREMENTS OF THIS
8 COMPACT PRIOR TO THE EFFECTIVE DATE OF WITHDRAWAL.
- 9 3. UPON THE ENACTMENT OF A STATUTE WITHDRAWING FROM
10 THIS COMPACT, A STATE SHALL IMMEDIATELY PROVIDE
11 NOTICE OF SUCH WITHDRAWAL TO ALL LICENSEES WITHIN
12 THAT STATE. NOTWITHSTANDING ANY SUBSEQUENT
13 STATUTORY ENACTMENT TO THE CONTRARY, SUCH
14 WITHDRAWING STATE SHALL CONTINUE TO RECOGNIZE ALL
15 LICENSES GRANTED PURSUANT TO THIS COMPACT FOR A
16 MINIMUM OF ONE HUNDRED EIGHTY (180) DAYS AFTER THE
17 DATE OF SUCH NOTICE OF WITHDRAWAL.
- 18 C. NOTHING CONTAINED IN THIS COMPACT SHALL BE CONSTRUED TO
19 INVALIDATE OR PREVENT ANY LICENSURE AGREEMENT OR OTHER
20 COOPERATIVE ARRANGEMENT BETWEEN A MEMBER STATE AND A
21 NON-MEMBER STATE THAT DOES NOT CONFLICT WITH THE
22 PROVISIONS OF THIS COMPACT.
- 23 D. THIS COMPACT MAY BE AMENDED BY THE MEMBER STATES. NO
24 AMENDMENT TO THIS COMPACT SHALL BECOME EFFECTIVE AND
25 BINDING UPON ANY MEMBER STATE UNTIL IT IS ENACTED INTO THE
26 LAWS OF ALL MEMBER STATES.

27 **SECTION 15. CONSTRUCTION AND SEVERABILITY**

1 A. THIS COMPACT AND THE COMMISSION'S RULEMAKING AUTHORITY
2 SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE THE
3 PURPOSES, THE IMPLEMENTATION, AND THE ADMINISTRATION OF
4 THIS COMPACT. PROVISIONS OF THIS COMPACT EXPRESSLY
5 AUTHORIZING OR REQUIRING THE PROMULGATION OF RULES SHALL
6 NOT BE CONSTRUED TO LIMIT THE COMMISSION'S RULEMAKING
7 AUTHORITY SOLELY FOR THOSE PURPOSES.

8 B. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE AND IF
9 ANY PHRASE, CLAUSE, SENTENCE, OR PROVISION OF THIS COMPACT
10 IS HELD BY A COURT OF COMPETENT JURISDICTION TO BE
11 CONTRARY TO THE CONSTITUTION OF ANY MEMBER STATE, A
12 STATE SEEKING PARTICIPATION IN THIS COMPACT, OR THE UNITED
13 STATES, OR THE APPLICABILITY THEREOF TO ANY GOVERNMENT,
14 AGENCY, PERSON, OR CIRCUMSTANCE IS HELD TO BE
15 UNCONSTITUTIONAL BY A COURT OF COMPETENT JURISDICTION, THE
16 VALIDITY OF THE REMAINDER OF THIS COMPACT AND THE
17 APPLICABILITY THEREOF TO ANY OTHER GOVERNMENT, AGENCY,
18 PERSON, OR CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY.

19 C. NOTWITHSTANDING SUBSECTION B. OF THIS SECTION 15, THE
20 COMMISSION MAY DENY A STATE'S PARTICIPATION IN THE
21 COMPACT OR, IN ACCORDANCE WITH THE REQUIREMENTS OF
22 SECTION 13.B. OF THIS COMPACT, TERMINATE A MEMBER STATE'S
23 PARTICIPATION IN THIS COMPACT, IF IT DETERMINES THAT A
24 CONSTITUTIONAL REQUIREMENT OF A MEMBER STATE IS A
25 MATERIAL DEPARTURE FROM THIS COMPACT. OTHERWISE, IF THIS
26 COMPACT SHALL BE HELD TO BE CONTRARY TO THE CONSTITUTION
27 OF ANY MEMBER STATE, THIS COMPACT SHALL REMAIN IN FULL

1 FORCE AND EFFECT AS TO THE REMAINING MEMBER STATES AND IN
2 FULL FORCE AND EFFECT AS TO THE MEMBER STATE AFFECTED AS
3 TO ALL SEVERABLE MATTERS.

4 **SECTION 16. CONSISTENT EFFECT AND CONFLICT**
5 **WITH OTHER STATE LAWS**

6 A. A LICENSEE PROVIDING SERVICES IN A REMOTE STATE UNDER A
7 MULTISTATE AUTHORIZATION TO PRACTICE SHALL ADHERE TO THE
8 LAWS AND REGULATIONS, INCLUDING LAWS, REGULATIONS, AND
9 APPLICABLE STANDARDS, OF THE REMOTE STATE WHERE THE
10 CLIENT IS LOCATED AT THE TIME CARE IS RENDERED.

11 B. NOTHING HEREIN SHALL PREVENT OR INHIBIT THE ENFORCEMENT
12 OF ANY OTHER LAW OF A MEMBER STATE THAT IS NOT
13 INCONSISTENT WITH THIS COMPACT.

14 C. ANY LAWS, STATUTES, REGULATIONS, OR OTHER LEGAL
15 REQUIREMENTS IN A MEMBER STATE IN CONFLICT WITH THIS
16 COMPACT ARE SUPERSEDED TO THE EXTENT OF THE CONFLICT.

17 D. ALL PERMISSIBLE AGREEMENTS BETWEEN THE COMMISSION AND
18 THE MEMBER STATES ARE BINDING IN ACCORDANCE WITH THEIR
19 TERMS.

20 **24-60-4503. Notice to revisor of statutes - effective date of**
21 **compact.** THIS PART 45 TAKES EFFECT ON THE DATE THIS COMPACT IS
22 ENACTED INTO LAW IN THE SEVENTH COMPACT STATE. THE DIRECTOR OF
23 THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF
24 REGULATORY AGENCIES SHALL NOTIFY THE REVISOR OF STATUTES IN
25 WRITING WHEN THE CONDITION SPECIFIED IN THIS SECTION HAS OCCURRED
26 BY E-MAILING THE NOTICE TO REVISOROFSTATUTES.GA@COLEG.GOV. THIS
27 PART 45 TAKES EFFECT UPON THE DATE IDENTIFIED IN THE NOTICE THAT

1 THE COMPACT IS ENACTED INTO LAW IN THE SEVENTH COMPACT STATE OR
2 UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES IF THE
3 NOTICE DOES NOT SPECIFY A DIFFERENT DATE.

4 **SECTION 2.** In Colorado Revised Statutes, **add** 12-245-411 as
5 follows:

6 **12-245-411. Interstate compact - powers and duties of the**
7 **board - rules - definitions.** (1) AS USED IN THIS SECTION:

8 (a) "ADVERSE ACTION" HAS THE MEANING SET FORTH IN SECTION
9 24-60-4502.

10 (b) "COMMISSION" MEANS THE SOCIAL WORK LICENSURE COMPACT
11 COMMISSION CREATED IN SECTION 24-60-4502.

12 (c) "COMPACT" MEANS THE SOCIAL WORK LICENSURE COMPACT
13 AUTHORIZED IN PART 45 OF ARTICLE 60 OF TITLE 24.

14 (d) "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" HAS
15 THE MEANING SET FORTH IN SECTION 24-60-4502.

16 (e) "DATA SYSTEM" HAS THE MEANING SET FORTH IN SECTION
17 24-60-4502.

18 (f) "INVESTIGATIVE INFORMATION" MEANS INFORMATION,
19 RECORDS, AND DOCUMENTS RECEIVED OR GENERATED BY A LICENSING
20 AUTHORITY PURSUANT TO AN INVESTIGATION.

21 (g) "LICENSING AUTHORITY" MEANS THE BOARD OR, IN ANOTHER
22 MEMBER STATE, AN AGENCY OF THE MEMBER STATE, OR EQUIVALENT,
23 THAT IS RESPONSIBLE FOR THE LICENSING AND REGULATION OF
24 REGULATED SOCIAL WORKERS.

25 (h) "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THE
26 COMPACT.

27 (i) "MULTISTATE AUTHORIZATION TO PRACTICE" HAS THE

1 MEANING SET FORTH IN SECTION 24-60-4502.

2 (j) "TELEHEALTH" MEANS THE APPLICATION OF
3 TELECOMMUNICATION TECHNOLOGY TO DELIVER SOCIAL WORK SERVICES
4 REMOTELY TO ASSESS, DIAGNOSE, AND TREAT BEHAVIORAL HEALTH
5 CONDITIONS.

6 (2) IN ADDITION TO ANY POWERS AND DUTIES SPECIFIED IN THE
7 COMPACT FOR MEMBER STATES, THE BOARD HAS THE FOLLOWING POWERS
8 AND DUTIES WITH REGARD TO THE COMPACT:

9 (a) TO FACILITATE COLORADO'S PARTICIPATION IN THE COMPACT;

10 (b) TO COMPLY WITH THE RULES OF THE COMMISSION;

11 (c) TO PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF
12 TITLE 24 AS NECESSARY FOR THE IMPLEMENTATION, ADMINISTRATION,
13 AND ENFORCEMENT OF THE COMPACT;

14 (d) TO APPOINT A PERSON TO SERVE AS A DELEGATE ON AND
15 ATTEND MEETINGS OF THE COMMISSION IN ACCORDANCE WITH THE TERMS
16 OF THE COMPACT;

17 (e) TO REGULATE TELEHEALTH IN ACCORDANCE WITH THE
18 COMPACT;

19 (f) TO NOTIFY THE COMMISSION, IN COMPLIANCE WITH THE TERMS
20 OF THE COMPACT AND COMMISSION RULES, OF ANY ADVERSE ACTION OR
21 THE AVAILABILITY OF CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION
22 REGARDING A REGULATED SOCIAL WORKER;

23 (g) TO REQUIRE AN APPLICANT FROM A MEMBER STATE APPLYING
24 FOR A MULTISTATE LICENSE TO PRACTICE UNDER THE COMPACT TO SUBMIT
25 TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK IN
26 ACCORDANCE WITH THE FOLLOWING:

27 (I) THE APPLICANT MUST PAY THE COSTS ASSOCIATED WITH THE

1 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK;

2 (II) AFTER SUBMITTING AN APPLICATION FOR A MULTISTATE
3 AUTHORIZATION TO PRACTICE UNDER THE COMPACT, THE APPLICANT
4 SHALL HAVE THE APPLICANT'S FINGERPRINTS TAKEN BY A LOCAL LAW
5 ENFORCEMENT AGENCY OR ANY THIRD PARTY APPROVED BY THE
6 COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF OBTAINING
7 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE APPLICANT
8 SHALL AUTHORIZE THE ENTITY TAKING THE APPLICANT'S FINGERPRINTS TO
9 SUBMIT, AND THE ENTITY SHALL SUBMIT, THE COMPLETE SET OF THE
10 APPLICANT'S FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION
11 FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL
12 HISTORY RECORD CHECK.

13 (III) IF AN APPROVED THIRD PARTY TAKES THE PERSON'S
14 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED
15 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVSCAN
16 EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT'S
17 INFORMATION FOR MORE THAN THIRTY DAYS.

18 (IV) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE
19 APPLICANT'S FINGERPRINTS TO CONDUCT A CRIMINAL HISTORY RECORD
20 CHECK USING THE BUREAU'S RECORDS. THE COLORADO BUREAU OF
21 INVESTIGATION SHALL ALSO FORWARD THE FINGERPRINTS TO THE FEDERAL
22 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A
23 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO
24 BUREAU OF INVESTIGATION, APPLICANT, BOARD, AND ENTITY TAKING
25 FINGERPRINTS SHALL COMPLY WITH THE FEDERAL BUREAU OF
26 INVESTIGATION'S REQUIREMENTS TO CONDUCT A CRIMINAL HISTORY
27 RECORD CHECK.

1 (V) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN
2 THE RESULTS OF ITS CRIMINAL HISTORY RECORD CHECK TO THE BOARD,
3 AND THE BOARD IS AUTHORIZED TO RECEIVE THE RESULTS OF THE FEDERAL
4 BUREAU OF INVESTIGATION'S CRIMINAL HISTORY RECORD CHECK. THE
5 BOARD SHALL USE THE INFORMATION RESULTING FROM THE CRIMINAL
6 HISTORY RECORD CHECKS TO INVESTIGATE AND DETERMINE WHETHER AN
7 APPLICANT IS QUALIFIED FOR A MULTISTATE AUTHORIZATION TO PRACTICE
8 UNDER THE COMPACT.

9 (VI) THE RESULTS OF THE RECORD CHECK ARE CONFIDENTIAL. THE
10 BOARD SHALL NOT RELEASE THE RESULTS OF THE RECORD CHECK TO THE
11 PUBLIC, THE COMMISSION, A MEMBER STATE, OR OTHER STATE LICENSING
12 BOARDS.

13 (h) TO GRANT A MULTISTATE AUTHORIZATION TO PRACTICE TO A
14 LICENSEE OF A MEMBER STATE IN ACCORDANCE WITH THE TERMS OF THE
15 COMPACT AND TO CHARGE A FEE TO INDIVIDUALS APPLYING FOR THE
16 MULTISTATE AUTHORIZATION TO PRACTICE;

17 (i) TO PARTICIPATE FULLY IN THE DATA SYSTEM CONSISTENT WITH
18 THE COMPACT REQUIREMENTS AND THE RULES OF THE COMMISSION; AND

19 (j) TO APPROVE PAYMENT OF ASSESSMENTS LEVIED BY THE
20 COMMISSION TO COVER THE COST OF OPERATIONS AND ACTIVITIES OF THE
21 COMMISSION AND ITS STAFF.

22 **SECTION 3. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly; except
25 that, if a referendum petition is filed pursuant to section 1 (3) of article V
26 of the state constitution against this act or an item, section, or part of this
27 act within such period, then the act, item, section, or part will not take

1 effect unless approved by the people at the general election to be held in
2 November 2024 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.